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RIVERSIDE

Every Square Inch:
The Fight for the California Desert

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by

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September 2012

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ABSTRACT OF THE DISSERTATION

Every Square Inch:
A Fight for the California Desert

by

Monica Adrienne Argandoña

Doctor of Philosophy, Graduate Program in Anthropology
University of California, Riverside, September 2012
Dr. Eugene Anderson, Chairperson

The Mojave Desert is one of the harshest and yet fragile environments in the
western hemisphere. It has been exploited for its natural resources through mining and
grazing, serves as a military mecca with large bases and training grounds, and is used for
recreational purposes such as hunting, camping, and off-roading. For some, this place is a
wasteland – hot, barren, worthy only of trash dumps, open-pit mining, and raceways for
off-road vehicles. For others, it is a place of spiritual renewal – serene, remote,
challenging, peaceful, and mysterious. Yet for others, it is the solution for our energy
problems – full of clear skies and nearly year-round sunshine ready for us to harness and
send to the urban centers as a clean and renewable energy resource. The demand for each
of these competing uses has created a battle over public lands in the desert. This is an
ethnographic study of the process and negotiations that led to federal legislation designed
to help resolve and mitigate many of these conflicts. The issue of the federal lands and
the desert is not a matter of ownership, but rather of control, access, and use, and this
study looks at those key concerns in this fight over the Mojave.
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<tr>
<td>AAPL</td>
<td>Advocates for Access to Public Lands</td>
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<td>ACEC</td>
<td>Area of Critical Environmental Concern</td>
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<td>AMA</td>
<td>American Motorcycle Association</td>
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<td>BLM</td>
<td>Bureau of Land Management</td>
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<td>CAL 4WD</td>
<td>California Four-Wheel Drive Club</td>
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<td>CAW</td>
<td>Campaign for America’s Wilderness</td>
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<td>CBC</td>
<td>Community-Based Collaborative group</td>
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<tr>
<td>CBD</td>
<td>Center for Biological Diversity</td>
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<tr>
<td>CDCA</td>
<td>California Desert Conservation Area</td>
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<td>CDPA</td>
<td>California Desert Protection Act</td>
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<td>CEERT</td>
<td>Center for Energy Efficiency and Renewable Technologies</td>
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<td>CORVA</td>
<td>California Off-Road Vehicle Association</td>
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<td>CPUC</td>
<td>California Public Utilities Commission</td>
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<tr>
<td>CWC</td>
<td>California Wilderness Coalition</td>
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<tr>
<td>DEIR</td>
<td>Draft Environmental Impact Review</td>
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<td>DEIS</td>
<td>Draft Environmental Impact Statement</td>
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<tr>
<td>DOD</td>
<td>Department of Defense</td>
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<td>DOI</td>
<td>Department of the Interior</td>
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<td>DPC</td>
<td>Desert Protective Council</td>
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<td>DRECP</td>
<td>Desert Renewable Energy Conservation Plan</td>
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<tr>
<td>EA</td>
<td>Environmental Assessment</td>
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<td>EIS</td>
<td>Environmental Impact Statement</td>
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<td>ESA</td>
<td>Endangered Species Act</td>
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<td>FLPMA</td>
<td>Federal Land Policy and Management Act of 1976</td>
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<tr>
<td>FOR</td>
<td>Friends of the River</td>
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<tr>
<td>FWS</td>
<td>Fish and Wildlife Service</td>
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<td>LADWP</td>
<td>Los Angeles Department of Water and Power</td>
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<tr>
<td>NAWWS</td>
<td>Naval Air Weapons Station</td>
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<tr>
<td>NECO</td>
<td>Northeast Colorado Plan</td>
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<tr>
<td>NEPA</td>
<td>National Environmental Policy Act</td>
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<td>NPCA</td>
<td>National Parks Conservation Association</td>
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<td>NRDC</td>
<td>Natural Resource Defense Council</td>
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<td>OHV</td>
<td>Off-Highway Vehicle</td>
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<td>ORBA</td>
<td>Off-Road Business Association</td>
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<tr>
<td>PEIS</td>
<td>Programmatic Environmental Impact Statement</td>
</tr>
<tr>
<td>PILT</td>
<td>Payments in Lieu of Taxes</td>
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<tr>
<td>PV</td>
<td>Photovoltaic</td>
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<tr>
<td>RLFF</td>
<td>Resources Legacy Fund Foundation</td>
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<tr>
<td>RPS</td>
<td>Renewable Portfolio Standard</td>
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<tr>
<td>SCE</td>
<td>Southern California Edison</td>
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<tr>
<td>SMA</td>
<td>Special Management Area</td>
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<tr>
<td>TLC</td>
<td>Tamarack Lagoon Corporation</td>
</tr>
<tr>
<td>Abbreviation</td>
<td>Description</td>
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<td>------------------------------------</td>
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<tr>
<td>TPO</td>
<td>Tribal Preservation Officer</td>
</tr>
<tr>
<td>TWC</td>
<td>The Wildlands Conservancy</td>
</tr>
<tr>
<td>TWS</td>
<td>The Wilderness Society</td>
</tr>
<tr>
<td>USFS</td>
<td>United States Forest Service</td>
</tr>
<tr>
<td>VVF</td>
<td>Vet Voice Foundation</td>
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<tr>
<td>WEMO</td>
<td>West Mojave Management Plan</td>
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<tr>
<td>WSA</td>
<td>Wilderness Study Area</td>
</tr>
<tr>
<td>WSR</td>
<td>Wild and Scenic River</td>
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Introduction

*Every Square Inch*

Western urbanites, as well as millions of other Americans who have visited, read about, or watched documentaries on Western national parks and forests, have been engaged in a struggle to define the rural West, especially its public lands, for more than a century. In a very real sense, urban America is attempting to produce Western rural spaces — recreational, aesthetic, environmental, iconic — that marginalize or destroy the extractive West. A cultural as well as a political divide between the urban and the rural is growing ever deeper, with explosive political and ecological consequences. It is long past time for anthropologists to reclaim western North America and bring their analytical skills to bear on these conflicts (Sheridan 2007).

The California desert is one of the harshest and yet fragile environments in the western hemisphere. It contains the lowest point and the highest point in the continental United States, undergoes temperature extremes ranging from 120 degrees Fahrenheit to below freezing, and is home to animal and plant species who have found their special niche in an ecosystem that on average receives less than five inches of rain a year. During WWII General Patton conducted training exercises in the Mojave Desert, and the tank tracks are still visible from the air today demonstrating how slowly the desert heals. The desert has also been the home to several Native American tribes who adapted to the challenges of living on these unforgiving lands and who still have a historical and spiritual connection. The desert has been exploited for its natural resources through mining and grazing; serves as a military mecca with large bases and training grounds; and is used for recreational purposes such as hunting, camping, and off-roading. For some, this place is a wasteland – hot, barren, worthy only of trash dumps, open-pit mining, and raceways for off-road vehicles. For others, it is a place of spiritual renewal – serene, remote, challenging, peaceful, and mysterious. Yet for others, it is the solution for our
energy problems – full of clear skies and nearly year-round sunshine ready for us to harness and send to the urban centers as a clean and renewable energy resource. Whether one is an environmentalist or an off-roader, a solar developer or a miner, almost everyone is from outside the desert yet each claims it is his or her land to protect, recreate in, or utilize for its resources. The desert is the last frontier, the last area with vast amounts of open space, and these competing views have led to a fight over this frontier.

Some years ago as I was driving through the California desert with Senator Dianne Feinstein’s (D-CA) deputy state director, James Peterson, and he commented to me, “In the next ten years every square inch of the California Desert will be designated for some purpose whether it be for conservation, military, mining – you name it. Every square inch will be claimed.” At the time I was giving him a tour of some areas in the Mojave that we were hoping the Senator would consider including in a wilderness bill. That was in the spring of 2007. She finally did introduce a bill in December 2009, but it was far more than a wilderness bill. Her staff would often refer to it as a planning bill for the desert based off that single idea that James posed nearly three years prior – every square inch would be designated. His comment made me think about who gets to decide what piece is designated for what purpose. Who gets to decide the plan for the desert and its vast landscape? Who will be making these decisions and how will they be made? Who will be the power holders and who will be the negotiators? What is a wilderness area and who decides? Will there be winners and losers and who will they be? Before I can begin to answer those questions and tell the story of how the bill was shaped and written, I must start by explaining how this project came to be and my specific role in it.
The California Wilderness Coalition (CWC) is a small, non-profit environmental group with about 1,800 members statewide. Founded in 1976 in Davis by five young men who were concerned with protecting a place called Snow Mountain in California’s north coast region, it has since been involved in campaigns that have designated more than 13 million acres of wilderness in the state. Their mission states,

The California Wilderness Coalition protects the natural landscapes that make California unique, providing clean air and water, a home to wildlife, and a place for recreation and spiritual renewal. CWC is the only organization dedicated to protecting and restoring California's wild places and native biodiversity on a statewide level. Since 1976, we have empowered local communities and conservationists to be the voice for wild California.¹

While the group is not a coalition in the sense that it is made up of other stakeholders or like-minded groups, but it does operate along side a larger group of partners such as the Sierra Club, The Wilderness Society (TWS), Friends of the River (FOR), Campaign for America’s Wilderness (CAW), National Parks Conservation Association (NPCA), and smaller more localized groups such as the Desert Protective Council (DPC), Los Padres Forest Watch, and Friends of the Inyo.

I was hired by the CWC in January 2007 as the Desert Program Director. Before I interviewed with the CWC, I did not know that there was a federal designation for wilderness or what that meant. I had never traveled in the desert except to Death Valley National Park and Joshua Tree National Park. Unlike my predecessor in the job who worked mainly on defense issues, I was hired to work on legislation. Specifically my

¹www.calwild.org
number one goal was to get Senator Feinstein to introduce a second desert bill. Her previous bill, the California Desert Protection Act (CDPA ‘94), passed in October 1994 and protected over eight million acres of land throughout the desert through wilderness and national park designations. While the CDPA ‘94 was one of the largest wilderness bills ever passed, there were still more areas that activists wanted to see included for conservation. Several areas were left out of the bill because at the time the Fort Irwin National Training Center located about 50 miles east of Barstow wanted to expand. The Senator did not want to get in the way of their expansion, so the areas remained wilderness study areas (WSAs) and came to be known as the Ft. Irwin WSAs. Fort Irwin completed their expansion in 2001 after taking a huge portion of the Avawatz Mountains WSA, and they had no immediate plans for more. The story has it that it was always the understanding between the Senator, Congressman Jerry Lewis (R-Redlands), and Ft. Irwin that once Ft. Irwin was done with its expansion, the remaining areas would be reconsidered for wilderness designation. The CWC and other wilderness advocates had waited long enough. They wanted to see another round of desert wilderness legislation and a completion to the CDPA ‘94.

Shortly after being hired, I was instructed to go visit each of the Ft. Irwin WSAs. The CWC requires its employees to really get to know the areas they are working to protect. No one can fairly accuse the CWC of being armchair environmentalists sitting in a distant office looking at a map. The idea is that the best way to be a strong advocate is to love and appreciate the areas you are working in, get to know them intimately, and get to know the local communities surrounding them. We were also required to do all of our
own field checking, which entailed answering a list of 50 questions (Appendix A) through on-the-ground research as well as working with the agencies and local governments. In this way, we could answer the tough questions that came up and be prepared for possible conflicts. I spent weeks in the desert with activists or self-proclaimed desert rats that knew these areas well because they had been exploring them for decades.

In April 2007 I was ready to take Feinstein’s staff to see the areas that the CWC believed were the best candidates for wilderness protection. Her staff had made it clear that if she was even to consider doing a bill there were some restrictions. The area had to be within the California Desert Conservation Area (CDCA) (Figure 1), and it had to have been considered for the CDPA ‘94 but was left out because of a conflict (e.g. mining, private inholdings, etc), and now that conflict had been resolved. Her staff was also required to see each area to ensure that it fit within her standard of what she considered worthy of a wilderness designation. Ultimately the CWC came up with a list of 17 places that fit the criteria and one potential wild and scenic river (WSR). Between April and August 2007, we took three separate trips with two staffers, James Peterson and Chris Carrillo her field representative. Each trip lasted three days and in total we drove over 3600 miles through Imperial, San Bernardino, and Inyo Counties.
Figure 1.1: California Desert Conservation Area (CDCA)
At the time, CWC and its coalition partners were hoping the Senator would do a simple wilderness bill, but there would be nothing simple about this bill. First of all we were working in some of the most conservative counties in California. Second, we knew there were competitive interests in the desert such as mining, off-roading, and development, but we were not prepared for the rush of renewable energy development spurred by tax incentives and mandates put forth by California Assembly Bill 32 (AB 32) that was to come. It took the Senator almost three years before she introduced a bill, and it was drastically different than the one we had been working on for most of that time. Once it became clear the impact AB 32 was going to have on the desert, our role on this bill changed dramatically even to the point where we were just fighting to keep wilderness in the bill. The battle for the desert and the crafting of this legislation split the environmental community who were torn over renewable energy in the desert and land preservation. The lines were drawn but it was not always clear who was on what side.

Political Ecology and the New West

Political ecology developed from the perceived need to mend the apoliticism of cultural ecology (Schubert 2005, Robbins 2004, Paulson et al. 2003, Bryant & Bailey 1997, Peet & Watts 1996). In order to do this, political ecologists needed to go beyond the functionalist and synchronic approach they associated with cultural ecology and integrate economic, political, and historical influences. The goal was to find a balance between the emphasis of individual agency associated with cultural ecology and the structures of political economy. So while political ecology has roots in Stewardian cultural ecology, its base is also comprised of a number of theories including materialism,
dependency theory, moral economy, feminist studies, power, knowledge, and
deconstruction (Peet 1998; Brosius 1997; Peet & Watts 1996; Escobar 1995; Lees &
Bates 1990; Blaikie & Brookfield 1987; Oxaal, et al. 1975). The main themes of political
ecology are power relations, knowledge construction, and conflicts over access to and use
of resources. Neumann offers up another view of political ecology that is useful in
understanding development and land protection in the U.S.:

(1) A focus on the land users and the social relations in which they are entwined;
(2) tracing the linkages of these local relations to wider geographical and social
settings;
(3) historical analysis to understand the contemporary situation (Neumann 1992,
87).

Early on, political ecologists tended to focus on the environment as a resource that
has been degraded (Blaikie and Brookfield 1987). They examine how degradation is
measured and defined, traced the causes of degradation from the individual to the broader
social and political economy, and examined the responses to impact and possible
recovery. More recently political ecologists have focused on the dynamics and meanings
of a politicized environment while examining how the environment is constituted through
cultural practices and struggles over meaning (Bryant 1998). Most recently they are
following the constructivist turn to explore how environments and human-environmental
relations are socially constructed (Braun and Wainwright 2001).

Political ecology perspectives provide a useful lens for studying the debates over
wilderness and the California desert. The tremendous expansion and inexorable growth
of the American west since WWII has led to such negative consequences as pollution, the
fragmentation and destruction of wildlife habitat, and the loss of open space. The Old West has become the New West with competing forms of rural capitalism and lands rights issues at the forefront. The California desert is the latest landscape contested in the New West, and Sheridan outlines some themes that I will discuss and which we should look to resolve these conflicts:

1) changing economies of the rural west and production and destruction of space
2) institutional contexts of resource control on public lands
3) ideological clashes and political maneuverings among interest groups
   the struggle to find the “radical center” committed to foster ecological, economic and social health on Western landscapes (Sheridan 2007).

Since political ecology has traditionally focused on developing countries, I will demonstrate how they have been useful in studying land and water issues in the American West.

During the 1800s, the federal government had given away a vast amount of land to the railroads, new states, and homesteaders, all to encourage settlement in the west. By the 1890s, a new resource scarcity fear and anti-monopolist sentiment slowed down the land give away and the federal government retained their holdings in the west. Most of the federal lands were designated for commodity production, so they were considered for the public good. Subsequently while nearly half of the American west is federally owned, until the 1960s it was justified because the commodity production was for the benefit of the whole nation and adjacent communities. However, the 1960s began a real shift toward environmentalism and how these public lands were perceived. The views of people wanting the government out and more access collided with those who wanted to see the land protected from overexploitation and too much access and they used the
federal government to accomplish their goals. The environmental movement took off and there were now serious discussions of land degradation, habitat protection, and the preservation of open space. Local knowledge clashed with “expert” knowledge, decisions were made far from the land they were affecting, and values and beliefs were disregarded for others’ values and beliefs.

As an example of this clash over the federal lands, James McCarthy (2002) examines the “Wise Use” movement, a social movement among ranchers in parts of the Western United States that fought against environmental regulations and federal intervention. McCarthy uses this study to establish how political ecology theory can be applied to resource conflicts in capitalist “first world” areas and not just “third world” politics. Resource conflicts do happen in the United States and they use similar tools as developing countries in their struggle — tradition, cultural identity, and local knowledge (McCarthy 2002).

Another form of opposition is the question of what federal lands should be used for and by whom. In McCarthy’s study of the Wise Use movement he discusses ranching in general and describes “[t]he central tenets of this moral economy [are] that: (1) federal lands exist primarily for the use and benefit of adjacent rural communities and (2) commodity production on federal lands [is] essential to the health of these communities” (ibid, 1291). Another example of what might be considered a “moral economy” is the current renewable energy debate in the desert. For anyone who cares about the environment, this appears to be a non-issue. Global warming is a reality and we must reduce our energy usage drastically or find better alternatives. The desert is the ideal spot
for industrial scale renewable energy projects – nearly year-round sunshine and plenty of open space (not to mention that the open space can be leased fairly cheaply from the federal government relative to developing on private land). Nothing could have started the battle of green versus green more than this issue. For those who love the desert, whether they live there, recreate there, make a living there, or work to protect it, the idea of putting solar in their beloved desert is out of the question. The question of how the public lands, the people’s lands, should be used has taken on a new level of debate and anger leading to this green versus green divide which the media has made worse by manipulating it and creating its own strategic discourse. This is not only a values argument but also an example of how capital and the state shape a landscape.

In Walker and Fortmann’s case study in Nevada County, California, they demonstrate the political dynamics of the rural American West and how they express several forms of modern capitalism: a resource based economy, a development industry, and a newer residential, amenity-based economy (Walker and Fortmann 2003). In this particular case, it is ranchers pitted against exurbanites who have a new vision of landscape that does not include grazing cows. The developers building and selling off ranchettes so the new residents can have a taste of the “country life” see financial opportunity in the landscape. The new residents have an aesthetic different from the longtime ranchers that includes open space that adds property value, and the environmentalists value preservation of habitat and places of spiritual renewal. However, Walker argues that the competing views of landscape are not the only driver of the ensuing conflicts, but “these conflicts reflect underlying tensions between competing
capitalisms that commodify nature in compatible ways” (Walker 2003). Thus the backpacker hiking in the Mojave does not want to see hundreds, even thousands of acres of solar troughs next to, or in view of, the wilderness area they are exploring. The desert activist argues for local distribution and rooftop solar instead of paving over the desert displacing plant and animal species and destroying the landscape forever. Utility companies make their money by transmitting energy so local is not profitable for them. The politicians need to support the environment but also job creation so new renewable energy development is a winning issue for them. However, development on federal lands does not generate tax revenue for the counties. The counties want to see development on private land instead, but private land comes with more restrictions, is more expensive, and there is less of it. “Capitalism perpetually strives … to create a social and physical landscape in its own image and requisite to its own needs at a particular point in time, only just as certainly to undermine, disrupt and even destroy that landscape at a later point in time. The inner contradictions of capitalism are expressed through the restless formation and reformation of geographical landscapes. This is the time to which the historical geography of capitalism must dance without cease” (Harvey 1985, 150).

**The Social Construction of Wilderness**

Historian Frederick Jackson Turner wrote, “The frontier has gone and with its going has closed the first period of American history” (Turner 1920, 37-38). The last frontier is the desert and it is now being transformed. Who gets to decide its future is being determined as I write these words, and the legislation we worked on is an attempt
to resolve this question. Our main goal in all of this was to get as much wilderness designated as possible. So what is wilderness and where did the idea come from? This is one view of wilderness from my coworker:

To me, wilderness is our last remaining forests, mountains, deserts, plains, swamps, and all other kinds of wild, undeveloped lands. Wilderness areas provide an escape from highways, traffic, smog, and the concrete jungle. These places are refuges where you can breath fresh air, see wild animals in their natural habitat, and witness the extraordinary beauty of nature. It's our responsibility to protect these places. History has shown that wild places that do not have legal protection can be destroyed by any number of special interests. It's crucial to preserve these places for both their intrinsic value and so that future generations will have the opportunity to experience and enjoy them (interview with Laurel Williams of the CWC, 2012).

Wilderness is in large part an extension of Manifest Destiny. As American pioneers proceeded to push farther and farther west, and urban areas developed as the railroads expanded, the landscape was drastically changing. As Cronon argues, the myth of the vanishing frontier lay the seeds of wilderness preservation in the United States, for if wild land had been so crucial in the making of a nation, then surely one must save its last remnants as monuments to the American past – and as an insurance policy to protect its future…To protect wilderness was in a very real sense to protect the nation’s most sacred myth of origin (Cronon 1996).

In the 1990 film Dancing With Wolves, actor Kevin Costner’s character Lt. John Dunbar sets out to see the frontier “before it is gone.” In the end, he discovers that he cannot stop the settlers from moving in and changing the landscape as they slaughter the buffalo, start building their settlements, and even kill the wolf that had been friendly to him. He marries into a Sioux tribe and leaves with them with the intent of living the frontier life. This movie epitomizes Cronon’s argument of this longing we have for the
past and a romanticized view of the frontier, though up until the mid-twentieth century, the only people who appreciated or had an aesthetic for wilderness were a small, urbanized elite (Nash 1982; Stilgoe 1988, 22-23; Bunce 1994, Cronon 1996).

Cronon argues that historically wilderness was designated only for the elite. As more and more people crowded into urban centers, wild, open places represented the place where Americans, mainly well-to-do men, could live the frontier life once again by sleeping under the stars, showing off their rugged individualism, and living off the land. Civilization was artificial, emasculating, and restrictive. In wilderness, one could experience life, as it was in the frontier days, however romantic that life was believed to be. Recreating and enjoying the wilderness was a thing of the privileged, as rural people “generally know far too much about the land to regard unworked land as their ideal. In contrast, elite urban tourists and wealthy sportsmen projected their leisure-time frontier fantasies onto the American landscape and so created wilderness in their own image” (Cronon 1996, 78-79). Environmentalists are often called elitists in the sense that Cronon describes (e.g. ranchers who work and depend on the land). However, in the desert environmentalists are still called elitists but for a different reason as I discuss later.

Walker and Fortmann’s study highlights the different visions of what the landscape should be like and how it should be used. Long-time ranchers in the area find themselves being pushed out and priced out in this conflict. "In rural places that sit at the uneasy crossroads between 'traditional' natural 'consumption,' ideas of landscape become increasingly important and contested" (Walker and Fortmann 2003). They argue that the
center of this conflict is the question of landscape. "Conflicts emerge particularly in places where economic and cultural value is being placed not on individual natural resources but on aesthetic and environmental values (such as 'viewshed' or rural quality') that derive from a totality of many individual landholdings" (ibid, 471). Peet and Watts refer to this as an “‘environmental imaginary’, a way of imagining nature, including visions of those forms of social and individual practice which are ethically proper and morally right with regard to nature” (Peet and Watts 1996). If the uses are considered unmerited and go against the aesthetic values associated with nature, this can incite “political opposition to the hegemonic social order” (ibid, 471). This in turn becomes a question of power. In addition, we should remember that how people interact with nature is based upon a cultural way of understanding nature and how nature is framed will have specific outcomes (Cronon 1995, Braun and Wainwright 2001).

The United States Congress defined a purpose of wilderness when they passed the Wilderness Act of 1964. It says:

In order to assure that an increasing population, accompanied by expanding settlement and growing mechanization, does not occupy and modify all areas within the United States and its possessions, leaving no lands designated for preservation and protection in their natural condition, it is hereby declared to be the policy of the Congress to secure for the American people of present and future generations the benefits of an enduring resource of wilderness. For this purpose there is hereby established a National Wilderness Preservation System to be composed of federally owned areas designated by Congress as "wilderness areas", and these shall be administered for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use as wilderness, and so as to provide for the protection of these areas, the preservation of their wilderness character, and for the gathering and dissemination of information regarding their use and enjoyment as wilderness; and no Federal lands shall be designated as
"wilderness areas" except as provided for in this Act or by a subsequent Act (Sec. 2. (a.), Public Law 88-577).

Congress also constructed a legal definition for wilderness in the legislation:

A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this Act an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value. (c)

This creation of wilderness backed by federal law leads to the question of what constitutes a wilderness? Who gets to decide what areas are suitable? Does any open space adequately reflect our “myth of origin?” The idea of wilderness itself has changed drastically in the past two centuries from something wild, desolate, fearful, barren, and sinister to what is today considered one of America’s greatest treasures (Duncan and Duncan 2001, Cronon 1996, Thomas 1983). Note the past descriptors of wilderness are still used today by many to describe the desert landscape. Selling the public on a lush forest with cute, cuddly creatures is much easier than convincing them that the harsh Mojave with not so cuddly creatures like the desert tortoise and fringe toed lizard deserves a wilderness designation. Cronon argues that that is because “there is nothing natural about the concept of wilderness. It is entirely a creation of the culture that holds it dear, a product of the very history it seeks to deny” (Cronon 1996, 79). We have created
a purpose for it as preserving our past heritage, and constructed what it is by defining its attributes including its size (i.e. must be at least 5,000 acres).

Cronon points out that in some instances Native American tribes were removed from lands in order to create an uninhabited wilderness (Cronon 1996), so remnants of the cultural resources can remain but the people themselves must be gone. We do not want to give the land back to the tribes, but want to ensure that their material history is protected. In much of our outreach on the desert bill, we used “cultural resources” as a reason why a land should be protected, and then sought the support of the local tribes who had a connection to the places we were working to have designated. In some instances this strategy did not work, as in the case of the Quechan in Imperial County, which I discuss in more detail in Chapter Two. The importance of their cultural resources was trumped by a small but vocal group of landowners adjacent to our proposed wilderness area.

As Cronon argues wilderness as a social construction, others contend that nature cannot be a social construction because there is obviously a real, physical world and scientific knowledge about that physical environment (Demeritt 1996). The concern about a social constructionist argument is it can lead to environmental relativism risking where the lines are blurred between a real, physical nature and human made nature (Demeritt 2001, Sokal 1996, Worster 1985). Clearly things like air and water pollution, a depletion of fish in the ocean, or loss of species and habitats exist, but environmentalists will have a very difficult time fighting for any of these if it is all a “construction.”
Cronon actually highlights this point by going one step further. He does not deny that there is a real physical world but he is wary of the danger of separating ourselves from it.

The place where we are is the place where nature is not. If this is so – if by definition wilderness leaves no place for human beings, save perhaps as contemplative sojourners enjoying their leisurely reverie in God’s natural cathedral – then also by definition it can offer no solution to the environmental and other problems that confront us…We thereby leave ourselves little hope of discovering what an ethical, sustainable, *honorable* human place in nature might actually look like (Cronon 1996, 81).

According to Sheridan, the Wilderness Act of 1964 is as much a creature of our relentlessly capitalist Western landscape as is Hoover Dam, metropolitan Phoenix, or the Western Range. Somehow we need to break down the artificial dichotomy between wilderness and working landscapes, recognize our place in nature, and take responsibility for it, regardless of where we live in the New West (Sheridan 2007).

Political ecologists also focus on the environment as a social construction. Robbins maintains that most political ecologists take a “‘softer’ form of constructivism, which holds that our concepts of reality are real and have force in the world, but that they reflect incomplete, incorrect, biased and false understandings of an empirical reality” (Robbins 2004, 114). There is great harm in looking at the environment as either a complete construction or in taking a strong positivist view. To say there is no nature does nothing to help conservation efforts that are badly needed in the very real world we live. However, to deny that there is no subjective filter in which we look at the landscape is also naïve and does little to help resolve social issues that are entangled with environmental degradation.
One last thought regarding values and perceptions concerning the environment. In *Environmental Values in American Culture* (Kempton, Boster et al. 1995), the authors set out to understand American environmental views and their causes linking them to a core set of cultural beliefs and values using semi-structured interviews and surveys as their methodology. They conclude that American environmental values stem from three positions: religion; human centered values meaning they are concerned with environmental change as it directly affects human welfare; and biocentric values which gives nature itself rights and believes it deserves justice. However, the authors stress the fact that these three positions often overlap, have multiple subcategories, and are not defined by hard lines. One of the points they make in their conclusions is that environmentalists fighting for a cause should not rely on just one of these positions to make the argument, especially the utilitarian, or human-centered, position. In fact, the only utilitarian value that truly resonated in their study was protecting the earth for our children and future generations. They encourage environmental activists to use the religion and biocentric values as they pursue a cause. “Although these values are not as universal as utilitarianism, for those who hold them, they are stronger and more emotionally held...For advocates who work with the public, appealing to a broader range of values offers the potential for a broader and perhaps more deeply felt reservoir of support” (Kempton, Boster et al. 1995).

Their findings also reveal that environmentalism is not a “passing fad” and that it is strongly linked to values people hold such as “parental responsibility, obligation to descendants, and traditional religious teachings” (ibid, 214). In turn, people use their
values and what they understand about a problem to form cultural models about environmental issues. Their case studies indicated that those opposed to environmental legislation oppose not because of a lack of environmental values or a lack of a connection to nature. “Rather, opponents of environmental laws typically share with other Americans the same cultural models and often the same environmental values, but those were overcome by competing models (e.g., believing that environmental concerns are politically exploited) or values (e.g., concern about human suffering, say, from coal workers becoming unemployed)” (ibid, 215). As we consider whether wilderness is a product of social constructivism and how the values people hold influence the idea of wilderness, understanding these cultural models can offer us much in the way of understanding why people take the position they do. At each level of the conflict, the question to ask is what are the ideas or perceptions of landscape and use and how are they being negotiated?

**Power, Negotiation, and Conflict Resolution**

Our most important point is that the very thing that is taken to be the object of environmental studies and politics – namely, ‘nature’ – is an effect of power…To argue that environmental disputes merely reflect competing ‘interests’ assumes that what is perceived as natural is self-evident, and exists *external* to the domain of power and politics that geographers and political ecologists set out to study. In a similar fashion, to assert that environmental issues are primarily about ‘ethics’ (how to *act* toward nature) is to assume that it is only our attitudes and values that are at stake, not the ‘thing’ to which the ethical relation is to be fostered…(Braun and Wainwright 2001, 42).

Power is not just about coercion but also about who has the ability to affect the decisions or interests of others, and who can interfere with their choices by limiting their
ability to make decisions or format the options available to them (Lukes 1986). In arguing who can affect who’s interest, Lukes defines power as who participates in the process and whose views prevail, but also who controls the agenda and decides which issues are the key issues that come up for decision (Lukes 1974; Lukes 1986). Power can be in the form of resistance or domination and is generated within social relations among various actors or stakeholders. It is not simply a one-directional hierarchy (Law 1991; Umans 1998; Few 2002).

Forming alliances is another tactic whereby one enlists other stakeholders. By doing this the actors can show the cooperative nature of the process as well as share the lobbying efforts (Brown and Rosendo 2000; Few 2002). When power is paired with agency we see “actor strategies” as a way to refer to the way social groups use their available power resources, or their knowledge and capability, to resolve their particular problems” (Brown and Rosendo 2000). Referring to Sharp (Sharp 2000), Few argues, “It is within material spaces that people, institutions, and social structures become 'entangled' and generate relational power; some places become particular sites of contestation in the process” (Few 2002). Few builds the argument that power is more than just the domination, or authority, or coercion of a group. Power can also be a series of negotiations where power or winning does not necessarily mean gaining all of the intended goals. Using things such as protest or non-cooperation or intervention may not lead to an outright victory but often can result in consensus. Power does not have to be a "zero-sum" game but can take the form of consensus building where groups or
individuals may accomplish more than if they chose another tactic such as domination or complete resistance (Few 2002; Nelson and Wright 1995; Law 1991).

Few concludes with three key points regarding power. "Power is dispersed throughout society, rather than concentrated solely in the hands of the 'dominant';' power is entangled in social relations between agents that differ in their interests, identities and resources; and social power is articulated through complex mechanisms including tactics of negotiation" (Few 2002, 31). He uses a case study in Belize involving community involvement in spatial planning of a protected area to highlight his arguments. In his study he found that not all stakeholders chose to participate; those that did not participate took on the role of local 'key players; and those that chose not to participate chose not to for different reasons such as private interests or perceptions of the "efficacy and openness of the planning process" (ibid, 33). He identified motives, or why an individual chooses to participate or intervene, that are usually based on overall objectives regarding the outcome as well as how he/she wants to express identity. Resources include connections, personal skills, and access, and tactics are strategies that pull from resources and are utilized within the power structure leading to negotiation. Tactics includes "alliance-formation, enrolment, persuasion, manipulation, compromise, and exclusion" (ibid, 33). Using these three things, Few linked them with the planning outcomes to analyze the effect of actor power. The CDPA 2010 is complicated because of the tremendous amount of stakeholders involved, but it is also unique in the alliances that formed and the tactics groups used. The people and groups fighting over the desert use a number of different strategies to get their voices heard and to influence the outcome of the bill.
Their success or power increased or decreased by the proximity or access to the Senator and her staff, by one’s participation in the process, and the overall ability and willingness to compromise.

Another form of power comes from what Bourdieu describes as “species of capital” (Bourdieu 1998) and more specifically can be considered in terms of symbolic, economic, and bureaucratic capital (Sheridan 2007). Symbolic capital may lay with the landscape itself or the endangered species that reside within a specific region. The north coast of California and the old growth redwood forest are steeped in symbolic capital, as are the species that inhabit them. The Mojave itself may or may not have symbolic capital depending who is talking. The desert landscape does not have the same universal appeal nor do its unique species as some other more “scenic” or lush places. At a city council meeting in the high desert, one council member commented that the desert “is no Yosemite.” The brown bear is on the State flag, not the California desert tortoise, and Half Dome is on the state quarter, not a Joshua Tree. The desert is almost an acquired taste making it much easier to envision it covered in solar troughs. An open pit mine in a place that looks like Yosemite would be a travesty, but is much more acceptable in the desert. Although, one of the off-roaders involved believed that the environmental side carried more influence because they had the moral argument – clean air, clean water, and open space versus a 4WD truck tearing across the desert.

The military also has symbolic capital especially as we heard arguments of the importance of supporting our military’s needs. Clean renewable energy has quite a bit of
symbolic capital also and for a number of reasons. California and the United States should be at the forefront of renewable energy technology, yet we are lagging behind places like Germany and Spain. Seeing fields of industrial solar gives the appearance of being on the cutting edge once more in addition to job creation. For some, there is confusion between our dependency on oil and renewable energy for electricity. We heard several times that renewable energy, as well as mining, is a homeland security issue because we should not be depending on foreign countries anymore for oil and minerals. Lastly, we should consider the symbolic capital of Native American cultural and historical sites. Sadly, this form of symbolic capital had the least amount of power and persuasion in crafting the desert bill as discussed in Chapter Two.

The strongest form of bureaucratic capital and power is in the environmental laws such as the Endangered Species Act (ESA), the National Environmental Policy Act (NEPA), and the Federal Land Policy and Management Act (FLPMA). Not only do these laws create regulations that govern development and other types of projects and activities on federal, state, and private lands, they also lay the foundation for lawsuits from environmental groups. Even when a deal is struck between two groups, if the deal does not strictly adhere to guidelines put forth by these governing laws a lawsuit almost always ensues. Regulations and laws such as the ESA and the Wilderness Act are contentious among those who see them as restricting property rights on both public and private. Cattle ranchers view the ESA as a way for the conservationists and government to control their property rights and reduce or end grazing completely. It is such a problem for them that one rancher told me that if they see an endangered species on their
property they will kill it and bury it, because if they reported it that would be the end of grazing in that particular place for them. They argued that if the government and conservationists wanted to really protect the species, they would hire the ranchers to manage the land for that species or give them some other kind of incentive to do so. Shutting them down means no one is going to follow the law. While the ESA includes a way (section 10(a)) that allows various stakeholders including landowners and local government to come together to collaborate on habitat conservation planning, it is still viewed by many on all sides as contentious and often leads to conflicts. So even if the CWC, in good faith, made a compromise, there was always the concern that another environmental group would come along and sue. As we attended meeting after meeting, campaigning for this bill and working with stakeholders, this became the number one concern. “You say this now, but can you guarantee it is not going to change as it goes through Congress.” Or, “You say this now, but the Center for Biological Diversity (CBD) is going to come back and get what they want anyway.” The concern is valid because in the past compromises and deals had been overturned in lawsuits. There is a real focus on environmental laws and legislation as overregulation by big government, and interference in local control, and a threat to property rights (Marzulla 1995).

Economic capital may have the smallest role to play in the desert fight. The renewable energy developers have large financial backers on Wall Street, the larger national environmental groups such as the Sierra Club and The Wilderness Society have prominent board members and staffs of hundreds, and both of these groups have lobbyists in Washington, DC. One off-roader who worked closely with us lamented that the off-
road community does not have many paid employees to do their lobbying work whereas environmentalists do. Off-roaders just want to recreate and do not have time or know how to get involved like the environmental groups do. Interestingly enough that did not make a difference in the desert bill. We were working in some of the most conservative counties in California, and unlike the CDPA ‘94, Senator Feinstein wanted local support this time. The CDPA ‘94 had been largely supported by the Sierra Club and the like, and residents of Los Angeles. Local Congressman Jerry Lewis had adamantly opposed the CDPA ‘94, and still the Senator pushed it through. This time it was going to be different, so unlikely groups such as the off-road community were invited to the table and they became a symbol of the collaboration and compromise that went into crafting this desert bill. That in turn got us an enormous amount of support from within San Bernardino, Imperial, and Inyo counties, while losing us the support of the Sierra Club.

Ethnography

This is an ethnographic study of how the CDPA 2010 came to be and how it was written. It is an attempt to answer some of the questions I had when James commented about “every square inch” of the desert, and to explain the many conflicts in the desert. I chose to write an ethnography because of my personal role in the formation of this legislation. I was privy to countless meetings with local stakeholders including Native American tribes, city council members, county supervisors, chambers of commerce, renewable energy developers, energy company representatives, miners, off-roaders, the Bureau of Land Management (BLM) and the military to name a few. I was involved in
every step of the process of crafting this bill, and I heard the arguments from all sides.
Vayda argues that human-environment interactions should be explained by placing them within progressively wider or denser contexts. In other words, we can describe the changes and conflicts in a production system and then refocus the lens to understand the social context of that economy. This will lead to an understanding of the driving process. Vayda refers to this as “progressive contextualization” (Vayda 1983). This is an attempt to do just that and ethnography is the best way to peel those layers of contexts.

“Ethnography decodes and recodes, telling the grounds of collective order and diversity, inclusion and exclusion. It describes processes of innovation and structuration, and is itself part of these processes” (Clifford 1986, 2-3).

The desert counties feel threatened regarding the loss of local autonomy. The issue of the federal lands is not an issue of ownership, but rather of control, access, and use. The argument concerning property rights and federal lands is unclear and complicated (McCarthy 2002; Fairfax et al. 1999; Wiebe et al. 1998). In addition, the government tries to control and regulate from too high a level losing the clarity and context of the situation at the local level. This makes problems harder to understand and solve. Failure to resolve the issues can be linked directly to the level and locus of control (Anderson 1990). Walker and Fortmann use political ecology to gain insight into the “politics of landscape - revolving around the question of who ‘owns’ the landscape or decides how it ‘should’ look…” as they take on the conflicts over development and growth, competing forms of rural capitalism, and fights over land rights in Nevada County, California (Walker & Fortmann 2003, 469). [They] also concur that, with its
recent ‘post-structural’ turn, political economy has receded too far into the background in political ecology…’local’ conflicts over landscape can only be meaningfully understood in the context of structural processes that set the stage for certain environmental conflicts, and play a central (but not determining) role in their outcomes (ibid, 470-471).

In both Sayre’s (2002) and Walker and Fortmann’s work we see how the diversity of visions of landscape and nature reflect the diversity of economic positions and cultural and social identities. “Thus competing social groups struggle through a political process to limit or redirect the course of change toward a future landscape consistent with their respective visions” (Walker & Fortmann 2003, 482). Cultural and political ecology become important tools in understanding the social histories, identities, values, politics, and alliances that contribute to the power struggles and conflicts. In addition, understanding American environmental views, and how they are related to cultural beliefs and values, can increase anthropology’s understanding of cultural knowledge and cultural values (Lees and Bates 1990). It becomes a question of whose values are heard, considered, and respected and who gets to decide how the land should be used.

Chapter One begins the history of how the CDPA 2010 was put together from the beginning in 2007. I describe many of the places and the people that are an integral part in the making of this piece of legislation. I also discuss the first conflicts that arose, how they were handled, and who did the negotiating. Chapter Two covers the issues in Imperial County and how they were resolved. Imperial County came close to being the first piece dropped from the bill, but is an excellent case study in compromise and negotiation. Chapter Three looks at the impact of renewable energy development and
what that means for the desert and the bill. I also explain the genesis of the proposed Mojave Trails National Monument. Chapter Four concludes with some final comments about the significance of this study and the status of the CDPA 2010.
CHAPTER ONE
Desert Rats, Off-Roaders, and Miners

My first meeting with James Peterson, Senator Feinstein’s District Director\(^2\) was on January 29, 2007. I was so new to this job still that my coworker Ryan Henson flew down from Redding to attend the meeting also. We were there to ask the Senator to sponsor a wilderness bill that would include the Fort Irwin WSAs – the Avawatz Mountains, the Soda Mountains, the Kingston Range, the Cady Mountains, and the “Bowling Alley.” (Figure 2) The Kingston Range bordered the off-road recreational area called Dumont Dunes and would be an addition to the existing Kingston Range Wilderness, and the Cadys were the furthest out lying between Hwy 15 and the western end of Hwy 40. They were all left out of the CDPA ‘94 because at the time Fort Irwin had expansion plans and they did not know for sure where they wanted to expand or how much land they wanted. As the story goes, the Senator decided not to pursue the areas at the time to allow the military to address their needs. Later, when we would go to meetings to try and get support for the legislation, we would explain to people that it was always the understanding that when Fort Irwin completed their expansion (which they did in 2001), the Senator, Congressman Lewis, and Fort Irwin would reconsider the areas left for wilderness designation. Whether that is true or urban legend, it is the story that we would tell over and over again as if we needed to justify our reason for going back for more wilderness after the nearly eight million acre CDPA ‘94.

\(^1\)James would get promoted to Deputy State Director about a year later and eventually go to Washington D.C. to work as her environmental legislative assistant in March 2011.
In our initial proposal to James, we asked for the Fort Irwin WSAs and said we also had some other potential areas that we would like the Senator to consider. James was friendly but professional. He seemed interested in our initial ask but had some homework for us. Before he would share any recommendations with the Senator we would need to do identify the reason why the area was left out of the CDPA ‘94, provide maps with logical and defensible boundaries, highlight any boundary differences from the current WSAs, and give the potential problems, benefits, threats (if there was not a significant threat, why the urgency to get it designated), and what local support existed. He also asked us what Congressman Lewis and Congressman McKeon thought of a proposal since the areas we were considering were in their districts, and we needed to check in with Fort Irwin to make sure they were okay with a wilderness proposal around their base. He said the Senator would also be writing a letter to the Department of Defense (DOD), but if we could check in with the base that would be helpful. He also asked us to check in with the new Supervisor in San Bernardino County, Brad Mitzelfelt.
Figure 2
Just a few days later, on February 2 we had our first strategy meeting with our coalition partners to discuss a potential desert bill. The meeting included folks from The Wilderness Society (TWS), Friends of the River (FOR), Campaign for America’s Wilderness (CAW), the Sierra Club, and some activists from various other groups. During this meeting we discussed the political “lay of the land” both locally and in Congress, identified our priorities for a desert bill, gave the run down of the Peterson meeting, prioritized our potential areas into Tier I (Fort Irwin WSAs) and Tier II (areas in Imperial and San Diego Counties that were in Democratic Congressman Filner’s district), identified a to-do list, and discussed boundary issues. By June 2007, we also included a third group of areas located in Inyo County and some additional places in San Bernardino County. It was clear that the CWC would be doing most of the heavy lifting from a local standpoint on this one. It was going to be up to me to engage the local activists and start doing the field checking. Now I had to go see these areas.

I was in good company the first time I ventured out into wilderness. George Barnes was a renowned “desert rat” who had been involved intimately in the CDPA ‘94. A former employee at China Lake Naval Base, his parents had bought him a jeep when he was in his 20s, which he used to explore the Mojave Desert. I had been told that he knew this area better than anyone, and his opinion on what should and should not be included was practically the word of god. Terry Frewin, also a self-proclaimed “desert rat”, had been exploring these areas for years also. Terry was the outspoken hippy to George’s reserved, conservative character. I once asked someone if they knew what political party George subscribed to and I was told he was “to the right of Genghis
Kahn.” Someone else told me they had participated in a sting operation for illegal off-road use with George. It was a long time just sitting around waiting and he had tried to start a conversation with George to get to know him better. He asked George what he did for a living, and George simply replied, “Worked.” Terry, on the other hand, shared stories of his treks in the extreme heat of the desert enjoying the solitude and freedom, and talked freely about politics, work, and life.

This first time out our goal was to field check the Fort Irwin WSAs. We were on a three-day tour with a couple of purposes. The first was for me to see these areas, again following CWC protocol that all employees should be familiar with the areas they are working to protect. Second, I needed to do some field checking regarding boundaries that should be proposed to the Senator for possible inclusion in a wilderness bill and routes that should remain open or be closed. Third, I needed to learn as much as possible about these areas because in a just a couple of weeks I would be giving the Senator’s staff a tour of these areas. I needed to know how to navigate my way through them, the best routes to take, the possible conflicts, why they should be included in a bill now and why they were special, the immediate threats, the boundaries we were going to propose, the routes that should be cherrystemmed, and know it all well enough that I could convince the Senator’s staff that I was thoroughly familiar with all of them rather than reveal that I had visited them once and really knew nothing about any of it.

My husband, Leon, and I were in our jeep loaded with a GPS so we could carefully record the routes we were taking so that we would not get lost when we gave
Feinstein staff a tour. Starting at about 8:00 a.m. we continued all day bouncing around dirt roads, keeping our distance from George’s vehicle in the lead so as not to suck in the dust he kicked up, and continuing until the sun started to set. The first night we camped deep in the Avawatz where a route came to a natural end – basically too rugged to travel anymore without risking getting stuck or vehicle damage. This route was technically an open, legal route to drive, but an example of one we would propose to close. First of all, it was in a wash, which made it difficult to tell where the route actually was. It also had been subject to flooding so large rocks and boulders had made parts of it impassable. Lastly, the route went all the way to Ft. Irwin’s base. We would have to check with the base to see if they wanted to keep it open, but from a security standpoint it made more sense to close it.

We had explored the majority of the Avawatz and the Sodas. Admittedly the Sodas did not impress me. We took a power line road between the Ft. Irwin base and the Sodas WSA. It was flat, sandy, and sparse of any vegetation. There was no sense of remoteness because of the base, the power lines, a rock quarry, and Hwy 15 that was pretty close by. There were mountains in the distance but they looked far off and we weren’t getting close to them. Some of our opponents would criticize us for including areas that clearly did not meet the definition of wilderness. This is what they were talking about. It was not until later that I would explore the other side of the Sodas and find its beauty and richness. But for now this area was not impressive to me. I did not dare say this in front of Terry or George. The Avawatz on the other hand was gorgeous. There were steep canyons, rocky cliffs, painted rocks, a variety of desert flora, and a
solitude that many find so alluring about the desert. In future trips here we would see desert big horn sheep, lush springs, abundant wildflowers, and travel on amazing trails with spectacular views. I was sold on the Avawatz.

Figure 3: Field Checking in the Avawatz WSA

As we drove around and explored, we would often stop to look at maps that had the network of open routes on them. The Avawatz and part of the Sodas are part of BLM’s Western Mojave Management Plan (WEMO).

Currently, the CWC was involved in a lawsuit along with other environmental groups suing the BLM for the methodology they used in determining the route system within WEMO. I will discuss in more detail later. For now, as we looked at these maps and the routes on the ground, it was clear that many that were considered legal through WEMO did not exist on the ground, but others that were not in WEMO were being used or were still visible. George, Terry, and I were determining which out of the legal ones
should be closed through a wilderness designation. The criteria that we used were based on the potential damage a vehicle could do on the route to the visual beauty, to plant and animal habitats, and to cultural resources. For example, in the Sodas, so much of the land was flat and sandy that a vehicle traveling on the route might find it irresistible to cut across and create new trails and cause a lot of damage doing it. We also decided a route should be closed if there was already another route going to the same place, or if the route had no logical destination – it just ended after a certain distance and not at any place of interest. We did not propose to close every route. Ones that made sense, and would cause minimal to no damage we would propose as “cherrystems” (Figure 4). A cherrystem is a route that has been carved out of the wilderness by not designating it therefore allowing for vehicular traffic.

That night all four of us sat around until it got dark talking about various subjects ranging from the desert to politics to our past experiences. Terry mentioned to me later that George seldom sat around like that and usually camped away from everyone else and remained alone. I think George was trying to figure out who I was and my potential as a wilderness advocate. It was clear that both of them loved the desert and enjoyed exploring old trails. They both had 4WD vehicles and had spent many, many hours traveling and camping alone.
Figure 4: The Avawatz WSA. The green lines indicate proposed cherrystems.

They were both Sierra Club members, though Terry was much newer to the advocacy side of things. They despised illegal OHV abuse and the destruction it could cause, but did agree that certain routes could and should remain open within some of the wilderness areas. George was one of three people responsible for the boundaries of Death Valley National Park today. In an interview with him in August 2011, he discussed how he connected with the desert and his work on the CDPA ‘94. I started by asking him why he liked the desert so much.

Hard to say. The family was in Massachusetts and moved to California in 1947 and that was the first year I visited Death Valley. The whole family liked the desert for unknown reasons - none of these pesky trees in the
way to obscure the view, and it’s hard to explain why one wants something. But it is probably why I chose to start work at China Lake.

I asked what lead to the bill of 1994.

Well that would go back a ways… I joined the Sierra club in 1959 because of its planning program. I worked with China Lake at the time doing civil service with the Navy and the Sierra Peak section of the Angeles chapter was pretty active and were mountaineering at that time in part with the China Lake rescue group. I also liked to explore the backcountry in the Death Valley area. My first new car was a 1958 CJ5 Jeep because the back roads kind of required that type of transportation. [It was] a touring machine, not a playing machine for running up and down hills for the sake of it. Simply because it was needed to get over the back roads. So in the late 50’s into the early 60’s in addition to mountaineering I was doing quite a bit of four wheel touring of these back roads and I saw who else was on those roads - not to many recreational. There were two types of jeeps at that time and virtually no other off road vehicles that were 4-wheel drive. The recreational ones were the shiny ones on the highway. People driving shiny jeeps waved at each other, as a novelty of wow there’s another one. The dirty ones, we didn’t wave to them. Through the early 60’s, that use and the number of vehicles and the types of vehicles including some off road motorcycles became much more prevalent in the places I was going. In fact this lead into the mid 60’s where it became so bad that I was keeping track somewhat of what was going on in Death Valley…At the time I contacted the park service in 1967 and said hey there’s this problem with recreational vehicles in the desert. Let’s do a study about their management, and by the time that came out a little bit later it was quite a revelation.

[One of those revelations] was the Bartow-Vegas race, which started in the late 60’s, and then by the early ’70s it was advertising itself as the world’s largest off road vehicle race probably with justification. By that time they had 3,000 riders – 1,000 in the first wave, the fast guys, and 2,000 in the second wave. So we had been looking for a few years at the recommendations that came out between the BLM and the Park service on the management and it caught the Sierra Club flatfooted. They said gee we were supposed to be leading the conservation here. The Club had no organization, no committee for conservation of the desert. There was a
desert section that was recreational that was formed in 1942, so in 1970 we finally got around in forming what’s now the California and Nevada desert committee, and we looked at those recommendations and started monitoring the Barstow to Vegas race.

The Barstow to Vegas race was an annual Thanksgiving weekend event that BLM had issued permits for in 1972 and 1973, but had been going on since the mid 1960s. Russ Penny, the State Director of BLM, ordered a full environmental impact statement (EIS) on the Barstow to Vegas race in 1973 that resulted in a 450-page document outlining the environmental impacts to the desert. By the time the EIS came out, the 1974 race was only a month away. That was not enough time to make a decision whether to continue to permit the race or not, so the BLM staff monitored the 1974 race. As a result of what they saw, permits were denied for the next seven years.

BLM put together a pretty capable planning staff that created the California Desert Conservation Area management plan of 1980. It’s interesting to see the early dynamics within BLM. All the managers at that time had been around BLM for quite some time. Where as one desert manager assured us in those days ‘we can do anything we want until a court tells us otherwise.’ They had no organic act. They were largely, from our perspective, a sleepy little organization that would wake up just long enough to represent an approval for a racing plan or mining plan and go back to sleep and this idea of managing recreation and recreation vehicles was totally foreign to the BLM.

So this pretty good plan came out in 1980 and the old line manager still in charge promptly fired the entire planning staff and started engineering a series of plan amendments which was authorized by the law, and we saw in ‘82 and ‘83 that they were doing their very best to go back to the good old days and unravel the plan, to remove the restrictions on things like recreation vehicles, and this lead then in late ‘84 to a meeting in L.A among a variety of conservation groups including the Sierra Club. We needed to act. We needed to get more control or guidance, more constraint
on BLM and how they manage the desert and that lead to the California Desert Protection Act and all its wonderful components - many wilderness areas for the California Desert Conservation Area, expansion of parks and largely at the expense of BLM. Originally it was compiled by mainly the Sierra Club and close friends in 1985. The first draft, Senator Cranston introduced it in 1986 after quite of bit of turmoil...finally passed in ‘94 - quite a few amendments and revisions from the original but basically intact.

Some of these amendments to the CDCA Management Plan of 1980 included modifying the Panamint Dunes WSA to open the northern end to OHV free play, removing 240,000 acres of WSA lands recommended by the Desert Plan as suitable for wilderness to non-suitable, weakening distinctions between various classes of land making it easier for mining and siting of communication structures, and reopening the Barstow to Vegas Race. So the CDPA ‘94 was a reaction to BLM’s poor management and old time managers trying to weaken new management provisions. George’s role on the bill was immense as he explains here.

I helped with quite a few of the wilderness boundaries, but the main thing I did was in March 1985. [I did a] draft map of an expansion of Death Valley National Monument to make it a [National] Park and introduced that in March 31, 1985 at a desert committee meeting. So at this meeting… I showed this map and people scratched their heads and said, my that’s kind of ambitious…except Jim Dodson [who] said, “hey you missed this big part on the west side. You know this boundary should really go around here.” And so I added Jim Dodson’s addition, which is an important area in the park. Mike Prather said hey over here on the east side you missed some areas so we said ok. Mike drew us a boundary and added what he wanted there

[It was] bigger than the monument. In fact there are some old monument maps where you can see we added more than a million acres to the
monument to make the park and so that’s what went forth in Cranston’s first introduction in 1986. Trimming here and additions there [we had] about 90% of what the three of us had proposed which ended up as final boundaries of Death Valley National Park. I think my first draft was the biggest contribution I made to the Desert Protection Act.

I asked George on how they decided on boundaries.

I knew the area pretty well so decided what might be nice to be in it. The monument boundaries that you come across in old maps are full of straight lines, and didn’t follow any type of topography. So was mountains to the south west clearly I thought should be in it. Saline Valley and the Eureka Valley and the Eureka Dunes, the highest dunes in the country, should be in the park, and certainly the north end of Death Valley.

George, Jim, and Mike all tried to draw boundaries based on natural features that could be defended and recognized. They wanted to include all of their favorite parts. George was also involved in drawing some of the proposed wilderness boundaries. They started with the WSA boundaries, but again took a more logical approach and tried to draw boundaries that made sense from a topographic standpoint. It also seemed that the idea of wilderness was not to include flat areas, so many WSA boundaries were based on contour lines, which are easily identified on a map, but not so identifiable on the ground. “We knew the desert and said boy that’s pretty wild country. That’s just as pristine as over here where they had a WSA so lets draw us a boundary there. We used various mechanisms, occasionally an elevation contour, but more often a ridge line or a road offset or things like that, but we captured as much of the wild lands as we thought was reasonable.” George continued to discuss what vehicle routes would be cherrystemmed and the role the off-roaders had in this particular bill.
We would leave open principle vehicle routes and guessed at what the off-roaders would like. We had a few meetings with the off-roaders. They did agree to meet with us. What they did not agree to do was tell us what their favorite routes were. We knew where some were and [what routes were] getting a lot of traffic, so even though the off-roaders had not identified it [we decided] to cherrystem them…But to the end they stonewalled. They would not do anything in the way of compromise but simply oppose the bill – period, from beginning to end. Period. With the exception of the American Motorcycle Association (AMA). One of their members was Colorado Senator Ben Nighthorse Campbell and sort of at the last minute in early 94, they were able to get some route corridors opened that the locals of course wanted but they would never tell us about it.

The groups they tried to initiate meetings with included the California Association of Four-Wheel Drive Clubs (Cal 4WD), the California Off-Road Vehicle Association (CORVA), and the American Motorcycle Association (AMA) District 37. On principle, they were not opposed to having some cherrystems in the wilderness areas. According to George,

What we were trying to do was find some degree of compromise although we certainly did not make the effort that we’re seeing in the current California Desert Protection Act - to actively have the Congressional staff go [to the off-roaders]. In fact, it was interesting to see how Senator Cranston handled this. He had very capable staff but he would not let them go on field trips. He would go himself. So it was not a vast number of trips, not like Feinstein’s staff now, but he went on several. We escorted him around and showed him things, and he said he didn’t want his staff doing this because they might get some ideas that he might not agree with and he did not want to put his staff in that position. Rather different than Senator Feinstein’s approach…On two of those we said, ‘Senator Cranston why don’t you talk to the off-roaders and see what they want.’ He wouldn’t do it. He had his own calculations and I can’t say he was wrong. The off-roaders at that time were less politically significant than perhaps they are [today].
In the end, they closed quite a few Jeep trails. George points out that if the off-
roaders had been more willing to cooperate, they would have gotten a lot more. The
principle ones that remained open were due to Senator Campbell and AMA, and others
were left open because they were trails that the desert activists liked to use.

I knew about two examples. The Cerro Gordo loop that we could have
easily put in wilderness, in mountain wilderness, but I like to drive it so
it’s open today, and the other is the Pleasant Canyon route now partly in
Death Valley. I like to drive that. Some were opened because we got clear
direction from Senator Cranston not to mess with the miners and that’s
why the Surprise Canyon route to Panamint City is not in wilderness. In
fact, at the time, well not really at the time, you could drive a passenger
car to Panamint City, but by the mid 80s that had become a Jeep trail and a
certain amount of winching was involved. Nothing like later in the 90s
with the major washouts.

So Senator Cranston was not concerned with the off-road community, but he did
care about the miners. He also did not care about the local county supervisors especially
in Inyo County. As George put it, “[T]here was a fair amount of steamrolling in the ‘94
Act.” For the CDPA ‘94, Senator Feinstein pretty much left Senator Cranston’s bill
intact. The desert activists were unsure of her on environmental issues, but according to
George, “We were tremendously impressed by her during the campaign for the desert.
She would give excellent arguments on the Senate floor, and she would really fight for it.
We were very impressed and appreciative that she basically took Cranston’s bill,
basically his approach, and ran with it.”

I didn’t know any of this when I sat down with George and Terry that evening. I
knew very little about the CDPA ‘94 or how it was put together. I knew there were a lot
of people that hated it especially in San Bernardino and Inyo Counties. Congressman Jerry Lewis, a fierce opponent of the bill, disliked it so much when it passed that he only appropriated one dollar to the National Park Service to manage the new Mojave Preserve. Doing the fieldwork with these two who were so passionately engaged with the desert gave me a new perspective. The night was unbelievably quiet but not in an eerie way. It was peaceful and mystic.

The next two days we traveled through the Kingstons and Soda Mountains. The Kingstons were the least impressive – even less so than the Sodas. It was simply sandy and uninspiring. The historic Tonopah-Tidewater Railroad (T&T) traversed the Kingstons from north to south. There was another route that was legally open that crossed over the T&T that George said should be cherrystemmed, but that the T&T should be closed. If we kept both open they would literally divide the Kingston Range in four quadrants. He also explained that there would probably be pushback on that route to be closed, but that it caused too much illegal intrusion and damage. Leon found an old railroad spike halfway buried in the sand. He picked it up and George snapped at him that he better just leave it alone. It was older than 50 years old and therefore protected by the Antiquities Act. Leon quickly dropped it.

The trail to the Cadys went along a power line road and was absolutely nail biting at times because it was so narrow and steep. It kept winding around and we wondered if we weren’t lost, but sure enough George led us down to the south side of the Cadys and we camped in an area that had once been part of a grazing allotment. The night was so
windy we had to sleep in the jeep, which rocked all night in the powerful winds. This was our third night and we were dirty and exhausted and full of information. Terry and George did the best they could to answer my questions and teach us what they knew. Their passion for protecting the desert was infectious and their opinions on issues such as OHV use were clear. We had drawn lines on maps and written notes about routes. Overall I was completely in awe of the places that I had been able to see and experience. Most people do not do that. The desert is arguably one of the most underappreciated ecosystems – a place where we build our trash dumps or prisons, mine the life out of it, or “throw the dead bodies.” I was not convinced that every place was wilderness quality, but that was not my job. My job was to convince the Senator’s staff that all of this was worthy of a wilderness designation. I felt relatively confident that I could give the Senator’s staff a tour and explain why these areas needed protection.

In April 2007, Leon and I took James Peterson and Chris Carrillo on the first tour of the desert places we wanted the Senator to consider for wilderness protection. We were going to do the same tour that George and Terry had taken us on and hoped that we wouldn’t get lost. We spent three days and drove 900 miles, which adds up to an enormous amount of time together. It was a good thing they both had a great sense of humor and adventure or this could have been a very long, off-putting trip. There were some mishaps, a couple of routes I could not find, and questions I could not answer, but it was also the beginning of some very good friendships; friendships that would help us later on in negotiations, being privy to certain information, and ultimately help us shape the final bill.
Figure 5: By June 2008 the list that we proposed had already undergone some major changes, but there would still be significant modifications. This map shows what our proposal looked like 18 months before the bill was actually introduced.
During this time, we were reaching out to two important stakeholders in the desert – the military and the OHV groups. The Senator wrote to the DOD stating she was considering pursuing a wilderness bill around Fort Irwin and did the military have any concerns with that proposal. It took over a year for DOD to respond to the letter. In the meantime, my coworker, Ryan Henson, and I had a meeting in San Francisco with representatives from all the branches (except the Coast Guard) to discuss our proposal. We did not know then, but the Marines were getting ready to announce plans for an expansion of the Twenty nine Palms Marine Base which would have an impact on certain pieces of this bill later on, but for now it looked like we didn’t have too many conflicts. In fact, the military told us several times that wilderness acted as a buffer for some of their bases and that was a good thing. On the other hand they also expressed that a
wilderness could hem them in preventing further expansion in the future. It always has been my opinion that if the military really wanted to expand into wilderness because of a critical need, the military would be able to expand into wilderness. I used this argument many times in conversations with our critics who did not want the military to be hindered in any way, often to deaf ears. There would be many more meetings with the military on specific areas and issues over the next four years including one concern that came up after the bill was introduced in December 2009, nearly three years after we first started working on this legislation. I discuss this further in the next chapter. The OHV community was our second outreach target.

I first met Meg Grossglass while working on Congresswoman Bono Mack’s (R-Palm Springs) wilderness bill. I did not have a major role in this campaign, but Ryan called me one day to let me know that the Congresswoman had been hearing some concerns from OHV groups over some routes in the proposed wilderness. He wanted me to go out and see them with Meg who worked for the Off-Road Business Association (ORBA) - our philosophy being that we cannot argue for or against something unless we see it first. I am sure this thought process is not unique to CWC, but in my experience it definitely did not seem common among many of the other environmental groups we collaborated with.

Meg was gregarious and chatty. I immediately liked her and felt that she was honest and straightforward. There was a trail that her community was concerned was being left out of the Bono Mack legislation, and Meg and I spent a couple of hours
looking for it. We never found it so it simply became a non-issue. There were a couple of more things she asked for like a larger setback on one of the trails to accommodate side-of-the-road campers. We had no problem with what she wanted and let the Congresswoman’s office know that we had reached a compromise. It was a deal that we stuck by even when its removal was being threatened in the House Natural Resources Committee during a markup. The fact that we held to our side of the deal and told the Congresswoman it could not be removed in good faith convinced Meg that we were true to our word. It was that trust that would later help us to make some incredible deals for the OHV community in the desert bill and even get support from some of them.

Meg was the first person I called when we started putting together the desert proposal. Why did CWC approach the off-roaders second, only after the military? James was clear that this bill had to involve local stakeholders. If the Senator was going to be persuaded to do a bill this time around, it had to have local support. The off-road community clearly had become one of the biggest users of the desert public lands. How important they are as a political entity is unclear. Their numbers have increased dramatically over the past two decades, and there are many businesses that benefit from off-road use including manufacturers, dealerships, and parts shops, but also small, local business like gas stations, mini-marts, and restaurants. Meg and others made the point to me that environmentalists are paid to do the work they do whether it is passing protective legislation or opposing environmentally unfriendly initiatives. Most off-roaders just want to recreate and there are very few, her being one of them that get paid to be an activist. Another off-roader who we worked with, Randy Banis, also made the argument that the
environmentalist has the easier fight which gives them more power in the negotiating process.

In a July 1, 2011 interview with Randy, I asked him who he thought had the most power in negotiating this bill and putting it together. He said Senator Feinstein first, but than that “the environmentalists definitely have more power than the OHV groups because they have the ‘good fight’ on their hands. They have the more valuable argument. If a man holds up a glass of dirty water and the message is you don’t want your kids to drink that, that sells but it also may close a road in the desert.” Randy hates seeing electric cars because in some “convoluted way I see that as closing a road in the desert. If I have a pretty teenage girl dressed in her riding gear, standing next to her family and kissing a bunny that is all I got. Someone in the metropolitan areas might see that and say, ‘Oh, ok, that is a valid recreational opportunity that must be protected.’ But that’s all I got. The enviros have the glass of dirty water that no one wants their kid to drink. They also have paid staff – a lot of paid staff. The metropolitan areas buy into the enviro arguments and that gives them more power and credibility in the long run.”

In the case of this particular bill, however, we were working with a Senator who no longer wanted to steam roll over locals. She wanted buy in from the local stakeholders. It is also unclear how much of this was coming from the Senator and how much was the influence of her staff. James is a pragmatist and never seemed to take a hard left line on anything. He liked to hear all sides of the issue and find common ground. There were very few things that we would win with him that did not include some kind of compromise. The end product was viewed by many in the environmental
community as severely flawed to the point that they did not want to support it. As of this writing, the Sierra Club still does not endorse the bill, nor do CORVA or Cal 4WD. (See Appendix C for complete list of supporters.)

CWC found itself involved in so many of these compromises that it became normal. We did not want to lose the wilderness in the bill, and it seemed so often that we would lose if we did not agree to some middle that James would like. James would always say that this was our bill and up to us to work out the details, and then come to him with a compromise. If we did not have a compromise, we assumed that the area in question would be dropped. I will discuss some of these compromises in the following chapters. For now, we were starting with the off-roaders. I would like to make a note here about how we worked with our coalition partners.

Every week we had a desert campaign call that was made up of other environmental groups that we worked closely with on each of our campaigns. They included the Sierra Club, CAW, TWS, and FOR. The CWC is a small organization and our focus is strictly limited to California. In the five years that I have been with CWC, our largest staff was comprised of nine and the smallest has been four. Working with coalition partners helped us with capacity issues. For example, the CWC could never afford someone who worked in DC and kept up relationships on the Hill, but TWS, Sierra Club, and CAW filled that need. CAW had a fulltime press person who could help with the media and press connections. They were also bigger names that could sometimes help us, but also sometimes hurt us. In addition, CAW, who is an arm of the Pew Foundation, was one of our major funders. They also funded the other groups, and one of
their funding priorities was a new desert bill. These calls eventually included certain
desert activists such as George, Terry, Jim Dodson, Tom Budlong and others. There
were also smaller desert groups like the Desert Protective Council that were invited to
participate.

On these calls we would give updates on organizing in the desert, updates on field
checking, and updates on conversations with the Senator’s office. From the beginning,
this was CWC’s project. TWS had lost its only desert staffer and never replaced him.
The Sierra Club relied on their Desert Committee volunteers like George and Terry to
participate in the process, and FOR did not have local staff in Southern California. This
was mine to work on from the ground up, and because of this two things happened. I was
on the ground, literally, in the desert and understood the politics of the place. I had also
seen every place we were advocating for. If you asked me about a specific route, I knew
it or could quickly meet you out there to look at it. While I was new to the conservation
world in this manner and new to organizing, I also had an anthropological background
and had worked with groups like cattle ranchers and was good at talking to
“nontraditional” allies, or people who generally do not like environmentalists. Perhaps
this is why Meg and I got along so well. I was willing to listen to her point of view
because I did not know to automatically disagree. I also established a strong friendship
with James. I had worked for the Senator and understood how she did things and what
she demanded. James and I also just simply hit it off, and he knew he could trust me.
Unique to how the Senator’s office is usually run, James, a state staffer, was the lead on
the desert bill. I had an in that the other groups and even the other CWC staff did not have.

We hired Laurel Williams in October of 2007 as a fulltime organizer on the desert bill. She quickly learned the politics of the desert and she became very good at understanding and negotiating the compromises that we had to make. It really helped that we were willing to go on the ground and that we were working form a local level rather than from a San Francisco office. This also meant that we were negotiating without the approval of our coalition partners first in many cases. If we faced a problem, we tried to work out a solution first that would be palatable to the environmental groups as well as whoever we were working with locally. Then we would present the “deal” to our partners as something that Feinstein insisted we do or we would lose such and such wilderness. This worked most of the time, but there were times that we were accused of doing things behind the coalition’s back and making compromises that were more like selling out. For some groups, some of the compromises would never be acceptable. I will discuss these further on.

So in the beginning I let Meg know the areas that we wanted the Senator to include in a bill so she would have a chance to pull in the people that were familiar with each one and they could start studying maps. I left it up to Meg on who she wanted to bring in the process, but I also let her know that everything was completely confidential. The Senator had not agreed to do a bill yet, and her staff was clear that we could not put her name behind anything. This was the CWC’s proposal and we wanted to get the input
from the OHV community, but we did not want our preliminary maps or word of a future desert bill to be posted all over the OHV blogs.

Meg shared the maps with Jerry Grabow who was involved with the AMA District 37. She trusted Jerry, had worked with him before, and according to Meg, he didn’t just say no like some of the other older OHVers, but worked within the political process. I arranged for a meeting with James, Meg, and Jerry at my house so we could all look at maps together and discuss potential concerns from the OHV community. More importantly and unprecedented was the discussion about what the OHV community might want in this bill, if the Senator agreed to do a bill. Meg and Jerry were both extremely surprised. It was one thing for the OHV community to get a few routes to stay open or fight for some other changes in a proposed wilderness bill, but it was a whole other thing to be asked what they wanted early in the drafting stages. This was potentially a game changer for them. In an interview in July 2011, Meg told me, “You realize that because of me and you, now the OHV community will be asked to the table at the beginning rather than at the end. You and I have changed everything.”

Meg and Jerry gave James and me copies of maps and outlines of everything they wanted. The asks included raceways, expansions of OHV areas, designated OHV areas, and quite a few routes that they thought should remain open. They did not get everything they wanted, but it set us up for the negotiations to come. As a result of this meeting and others down the line, CWC, and me in particular, would be accused of backdoor dealings and being too close to the OHVers. Meg would also get heat from her side for being too
intimate with the environmentalists (namely me) and for trusting Feinstein. Someone saw Meg and me at a public meeting where we gave each other a hug, and it made its way to the OHV blog sites as an example of her being too friendly with “the enviro side.”

I asked George what he thought of CWC’s work on this bill as compared to the CDPA ’94. He said,

In this environment we would be probably doing closer to what CWC is doing now. In this environment the old types like us say go for what you can get and it’s just a matter of balancing everything you face at the time, and until the bill language is finalized we will keep pushing in certain directions. We can’t say at this point that CWC is wrong although some of us will say that, but you get what you can and you keep the pressure on constantly without over playing your hand.

By the end of 2007, Laurel and I were working on the desert bill nearly 100% of our time. I continued field checking and vetting with various stakeholders trying to keep as much acreage in the bill as possible without causing the Senator too much controversy. James made it very clear that this was our bill – the CWC’s and the other groups, but really, mainly the CWC’s. We were the ones who needed to negotiate and compromise and we needed to make sure that we did not embarrass the Senator. He wanted all issues worked out and solutions presented to him. In other campaigns, we normally would start organizing support for a potential bill, but James gave us a very firm directive that we were not to do that for this bill because word should not get out that Senator Feinstein was doing a wilderness bill. This proved difficult because many people did not want to discuss something that was hypothetical. Nevertheless we continued the best we could, trying to identify all the potential problems. We also continued our outreach to other off-
road groups. I had asked George why he thought the off-roaders would not negotiate for the ’94 bill, and he replied, Well, I can tell you what one of the their leaders quietly told me, ‘These guys are so stupid, these guys are knuckle draggers, but I can’t tell them that because I work for them.” I found that amusing, because some of them still say that about each other to me. George went on to say, “They’re politically naïve. They have their own interest. They are kind of stubborn people to begin with…and they don’t like us so they oppose us. No doubt you’ll ask Harry Baker.”

Harry Baker was a name frequently mentioned by Meg, Jerry, Jim Dodson, and George. He was a member of Cal 4WD, and adamantly opposed the CDPA ’94. Randy described him as someone who had a lot of influence because he has been around for a long time and was trusted in the OHV world to look at a deal and say if it was good or bad. I do not remember when I first met him, but I do remember the first “official” meeting I had with him and others in Inyo County. There were several areas in Inyo County that we wanted as wilderness or wild and scenic river - Conglomerate Mesa, Great Falls Basin WSA, Slate Range, and Surprise Canyon. A brief history of these is important before I discuss Inyo’s County’s position on the bill and what happened at this meeting.

Conglomerate Mesa and Great Falls Basin WSA were probably the least controversial from an OHV perspective. Conglomerate Mesa, also known as the Malpais Mesa Wilderness addition, was released from WSA status during the CDPA ’94 because of mining interest. Of all the places I visited, this was by far my favorite. It was as close
to pristine as you could find with 360-degree views of the Owens Valley, Telescope Peak, and Mt. Whitney. Completely remote, you have to hike up a narrow path to get to the top of the mesa at about 6500 feet elevation. On one side, there is a thick piñon forest, and the other side has badlands and an incredible Joshua Tree forest that looks like something from a Dr. Seuss book. It is an important place to the Timbisha Shoshone as well as the Paiute. There were a few routes that the off-roaders had said they wanted cherrystemmed and it did not appear that we were going to have a problem with those. It has never been grazed, and it has never been mined though there has been plenty of interest. There were some mining roads that had been carved out but those were healing and barely visible.

There are over 200 mining claims on top of the mesa owned by one man, Steve Van Ert. He makes his money by trying to lease them out to bigger operations. A mining company called Timberline Resources based out of Idaho was leasing them from Van Ert. James had told them to call me to work out a compromise. This was not a place where we were going to compromise. Mining was not going to be acceptable anywhere in this area, and I told the Timberline representative that when he called me. He insisted that we could work out a deal, and I told him the only deal was that Timberline go away. Needless to say, he went back to James to complain about my being unreasonable. In the meantime, CWC led the charge on organizing against Timberline. They were going through the environmental review process with the BLM. We knew the best we could probably do was force a full EIS rather than simply an Environmental Assessment (EA), which would cause them delays. Their stock prices were going down, so this plan of
action could put a halt to their investment. We worked with Sierra Club, TWS, CBD, and a local group called Friends of the Inyo to send out action alerts to their members asking for letters to BLM opposing the mining and asking for an EIS. It worked. We were able to get so many e-mails to BLM in one day that we shut down the BLM Ridgecrest office’s server. Timeberline’s stock eventually was worth just pennies. They went away and we had no more issues with Conglomerate Mesa. If there is any area that deserves to have a wilderness designation, this is one of them. It is simply spectacular.

Figure 7: Conglomerate Mesa
A side note on mining in wilderness is needed here. Mining claims located in an area subsequently withdrawn (such as designated wilderness) must have within the boundary of each mining claim a discovery of a valuable mineral deposit in order to be valid under United States mining laws. Absent this discovery, the claim is declared null and void, and no prospecting or exploration will be allowed to produce a discovery. It must have existed before or at the time of withdrawal. If mining claims are determined valid, the operator may occupy for the purposes of mining and processing minerals under those laws that exist at the time an operating plan of operation is approved. In BLM’s regulations, Title 43, Code of Federal Regulations, Sec. 3809.100 it states,
a) Mineral examination report. After the date on which the lands are withdrawn from appropriation under the mining laws, BLM will not approve a plan of operations or allow notice-level operations to proceed until BLM has prepared a mineral examination report to determine whether the mining claim was valid before the withdrawal, and whether it remains valid. BLM may require preparation of a mineral examination report before approving a plan of operations or allowing notice-level operations to proceed on segregated lands. If the report concludes that the mining claim is invalid, BLM will not approve operations or allow notice-level operations on the mining claim. BLM will also promptly initiate contest proceedings.

So while existing mining claims are “grandfathered in” under a wilderness designation, the burden to prove valuable mineral deposits lies with the claim owner and only after there is proof, can he/she actually mine. For someone like Van Ert, who does not actually mine, but makes his money by leasing out his claims, a wilderness designation could put him out of business. It can cost tens of thousands of dollars to prove a valuable mineral deposit and then still end up with no valid claims. Even operations like Timberline seem to drive their stock prices by hyping new potential for gold mines (especially when gold prices are at an all time high). There is no evidence that there is gold in Conglomerate Mesa because no one has ever actually drilled. While companies have come and gone in the past 100 years, it all seems speculative. Cerro Gordo to the north of Conglomerate Mesa, however, had a mining town and quite an extensive operation for many years. If there was gold in Conglomerate, I would have thought that they would have already mined it, but maybe that is my own bias because of my fondness for Conglomerate.
One other issue came up with Conglomerate Mesa late in 2008. The Los Angeles Department of Water and Power (LADWP) had a permit within the eastern boundary of the Conglomerate Mesa proposed addition for shale excavation. LADWP was in the midst of undertaking a $500 million Owens lake Dust Mitigation Program to alleviate air quality impacts in the area from the dry lakebed. According to a letter dated October 30, 2008 from the LADWP to Senator Feinstein,

Because of its close proximity to Owens Lake, this site best would best minimize environmental impacts associated with obtaining and using shale for the LADWP’s daily operational needs associated with maintaining berms used in the current mitigation program.

Additionally, gravel (shale) is the only approved dust control mitigation measure that does not require water. At present, we have no plans to utilize shale as a dust control measure at Owens Lake; however, we believe it is important to preserve it as a potential option. Upon completion of the next construction phase of our mitigation efforts at Owens lake, approximately 15 percent of the City of Los Angeles’ water needs will be diverted from the Los Angeles Aqueduct for dust mitigation purposes. This will occur at a time when imported water supplies from northern California and the Colorado River are increasingly strained and impacts on future water supplies related to climate change are uncertain.

So we found ourselves having to pull back another boundary to accommodate another interest. The loss of acreage and scenic and natural valuable was not too great, and we were able to obtain the support of LADWP, which was a nice political win.

Great Falls Basin WSA was not designated as wilderness in the CDPA ’94 because of a local mining operation in the town of Trona. Kerr-McGee was concerned about a wilderness designation restricting their mining operations for air quality reasons. This would not have been the case, but it was dropped from the bill anyway. Kerr-
McGee was no longer the owner of the mine. When we met with the new owners, we had agreed to add specific language to the bill ensuring that there would be no interference with their operations and a wilderness area in such close proximity. This was not only important to the mine itself but to the town of Trona whose whole livelihood depended upon the mine. Again, we found ourselves making minor concessions to appease various interests just to avoid any kind of controversy. The current mine’s operation probably would never have been put at risk even if we did not include the language, so we were ultimately giving up very little while ensuring no opposition. We also had to make sure we did not expand outside the existing WSA boundary, as that would have caused a lot of opposition from the people of Trona who would have viewed it as a land grab and encroachment on their town.

Slate Range was an issue for the off-roaders because of the annual Panamint Valley Days event sponsored by Cal 4WD which uses trails throughout the Slates and the rest of the Panamint Valley. There was a lot of concern that the Panamint Valley Days would be affected by a wilderness designation. There was also a general concern that we were closing too many routes in the area. China Lake Naval Air Weapons Station (NAWS) had issues with low over flights and noise, but those were addressed also by again putting in language stating specifically that the wilderness designation would not conflict with their training operations. NAWS actually saw both Great Falls Basin and
the Slates as buffers to their base – an added layer of protection so to speak.

![Figure 9: Metal sign explaining the significance of the Escape Trail in the Slate Range.]

There were also some mining concerns in the Slates. A small private operation called Bronco Resources called the Senator’s office asking to meet and discuss their claims. I met with them along with James, and some BLM staff who worked on mining at the BLM district office in Moreno Valley. Initially the two men (who made up all of Bronco Resources) were on the defensive. They were clearly on an anti-wilderness side and assumed this would be a difficult meeting. They did not want to see the Slates
become a wilderness area because they believed it would hinder their mining capabilities and those of others in the future. Ultimately their bottom line was to see the boundary pulled back so that it would not interfere with any of their claims. They understood the need to prove the validity of their claims, and while they were actually real miners who wanted to work their claims, the time and money testing for validity would require was of great concern to them. I did not have a problem pulling the boundary back because it was so little acreage lost, however, I always wondered why we were even negotiating with these two men. They did not have any political capital as far as I could tell, and we never were able to get a letter of support from them even after we made the adjustments. So we did not gain anything except we could say no mining interest opposed (that we knew of). James was pleased that we were all so reasonable and that was the end of that. We would revisit the Slates months later to do some field checking with Randy, Harry Baker, and another off-roader by the name of Ron Schiller. For now, the Slates were safe, but there was another area that was far more controversial.

It was 117 degrees the afternoon we drove into Chris Wicht Camp in Surprise Canyon with Senator Feinstein’s staffers during that first round of tours in 2007. I had drunk two 64-ounce bottles of water in the last four hours and had not needed a rest stop yet. We weren’t even sweating because it was so dry and the sweat was immediately evaporating off our skin. Yet the water in Surprise Canyon was not just trickling, or even running underground like so many desert rivers do. It was rushing down through the canyon, pouring off the small falls, and deep enough in places to sit and cool-off – I guess this is the “surprise”.
Located 11 miles northeast of the small mining town of Ballarat, Surprise Canyon climbs above Panamint Valley running east into Death Valley National Park and ending at Panamint City. Prospectors had organized the Telescope mining district in the 1860s, which included the area, but ore was not discovered until the 1870s. In 1872, a gang of robbers found the perfect place to hide in Surprise Canyon and with that they also found silver ore. By 1873, three men who were searching for the Lost Gunsight Lode worked their way up Surprise Canyon lured by a silver discovery. As they made their ascent, stripes of greenish blue veins of copper-silver ore covered the sides of the canyon.
Rough assays showed values around $2500 a ton giving them good reason to settle this remote area and establish the Panamint Mining District in February of that year.

Mining towns were popping up all over the Mojave Desert, and Panamint City was one of the most difficult to access. The mining history in this region is quite remarkable when you consider the incredibly harsh environment, challenging access, and overall remoteness. Yet the lure of gold and silver (or boron in many places), and the chance at striking it rich was enough of an incentive to draw settlers in and keep them for a while. These miners would stay through 100+ degree weather miles away from any comforts or conveniences. Many miners worked their claims for years by themselves with very little contact with anyone else. The Mother Lode and Comstock had been producing millions, so each new strike led to a rush of people hoping to get their share of the wealth. When word of a strike in the Panamints spread, only a few trickled into investigate the situation. After all, Panamint City was 60 miles from the nearest road and access was hostile at best. Prospectors used caves for shelter and slept with one eye open and their gun cocked in case of thieves.

John P. Jones of Virginia City and a U.S. Senator, had made a fortune on the Big Bonanza of Virginia City’s Comstock Lode. Jones became a partner of William Morris Stewart, who had had a part in the development of the Comstock Lode and who was also completing a term in the Senate. These two men bought a group of claims from some outlaws said to be worth $350,000. That was enough for many to believe this was going to be the next Comstock Lode. All over, from Eureka, Los Angeles, as far away as
Austin, and San Francisco and on the Mother Lode, men heard that Jones and Stewart owned part of Panamint, and off they went toward the new strike and the possibility of riches. They arrived on foot and in wagons, on freight trains and by horse in search of silver.

By early 1874, there were roughly 700 people who inhabited the valley in stone huts and shabby cabins. This was an ugly town and not for the faint of the heart - or at least those who didn’t own a gun. The new population consisted of men with notorious pasts, wheeler dealers, women who worked the saloons, and guns ready to be drawn at all times. If a bullet did not kill someone, lead poisoning did him or her in instead. One did not need to be good at mining to make a fortune. Poker, real estate speculation, and selling spirits could land someone thousands of dollars overnight.

Panamint saw its height in late 1874 with about 2000 people, over a dozen saloons and a brewery. A road was finally cleared out which opened up traffic from Lone Pine, Bakersfield, San Bernardino, and Los Angeles bringing in lumber, machinery, and supplies. These same wagons carried out the ore, but the steep canyon grade still made the trek nearly impossible. The town butcher was one of the few who could traverse the route, and he often had to unload some of his meat in order to haul a corpse to the town cemetery.

Stewart wanted to help overcome some of the isolation of Panamint City so he started to build a railroad from Los Angeles, but one of Stewart’s greatest problems was how to get the ore down through Surprise Canyon. Wells Fargo carried bullion from
most of the mines in the West to the mints, but refused to carry it here because of the isolation and high risk of robbery. One way to fool the robbers was to disguise the silver in huge cannonballs weighing about 750 pounds each. Stewart shipped out more than a ton of bullion in an open wagon without protection this way.

Panamint City, however, was not destined to be another Comstock or a Mother Lode. The limestone that enclosed the ore veins was very hard and expensive to work, and they only extended a few feet in any direction. By 1875, high costs in transportation along with the bank panic of 1875, led to the end for Panamint. There was a mass exodus from the miners to girls of the Barbary Coast, the butcher and brew master, the editor and his press. Darwin was the next stop for many of them, but many left all together. The most daring made their way across Death Valley in the heat of the summer. A flash flood occurred in 1876 sending much of Panamint City down the canyon. In 1895, the post office was still there but not much else. Attempts at pulling out riches happened again in 1925 with modern mining equipment. Total production for Panamint City reached about $2.5 million (Federal Writers' Project of the Works Progress Administration of Northern, 1939). Panamint City was a ghost but Surprise Canyon was not.

Silver mining continued sporadically throughout the 1900s, but because of flooding access was sometimes limited or difficult at best. According to the BLM staff in Ridgecrest, our desert activists, and the off-road community, one could drive a passenger car up through Surprise Canyon to Panamint City in the 1970s, but by 1984 the road had been completely washed out. The only vehicles that could make it up through the canyon
were extreme jeeps equipped with winches so they could pull themselves up over the boulders. George had explained that Senator Cranston did not want to mess with the miners so that is why Surprise Canyon and Panamint City were not included in as wilderness in the CDPA ’94. All around Surprise Canyon, it is designated wilderness, but the canyon itself was cherrystemmed, and it had become a destination for a very small percentage of the off-road community who participate in extreme rock crawling. They drill into the rocks and winch their lifted jeeps over the huge boulders and falls. By 2000, it was clear that there was quite a bit of damage done due to overturned jeeps, oil spills, and simply crushing whatever plant or wildlife inhabited the area. BLM closed access until an EIS could be completed.

A quick Internet search will result in quite a few hits from the OHV world complaining about the closure of Surprise Canyon. At the time they closed the canyon, there were several property owners in Panamint City. The BLM tried to contact each of them. Two were out of the country and never replied. Another started parceling off his property and selling it for about $100 a lot. In turn, he and the people who bought the property tried to use that in a lawsuit in saying they had the right to access and that the canyon should remain open to vehicles. The lawsuit also used Revised Statute (RS) 2477 to try and reopen the road. RS2477 was enacted in 1866 and it reads, "the right-of-way for the construction of highways across public lands not otherwise reserved for public purposes is hereby granted." RS2477 was repealed in 1976 under FLPMA, but land rights activists use it to try and reopen former roads designated under the RS2477 provision, many of which are old mining roads like the one through Surprise Canyon.
Now we were looking at Surprise Canyon for a WSR designation (Figure 12). At the time, we believed this would be the most controversial and contentious piece in the entire bill. There were pending lawsuits, the OHV community was up in arms over the closure, an EIS had not been released yet after seven years, and for many, it was an example of the Senator going back on her word. She had left it out of the CDPA ’94 but was now going to reconsider it not for wilderness but for WSR designation. This was a back stab to our opponents who believed that even when the environmental community made a promise, it was an empty one. But we would not have even been able to consider this area if it had not already been closed by the BLM, which the Senator and we had nothing to do with.
Figure 12
Inyo County was and still is involved in several RS2477 cases, but did not get involved in the Surprise Canyon one for whatever reason. The lawsuits mainly involved off-road groups and public access groups like Advocates for Access to Public Lands (AAPL). However, Inyo County was not supportive of a WSR designation for Surprise Canyon nor was it supportive of any of the other proposed wilderness areas. In fact, they became one of our most staunch and vocal opponents.

Inyo County is located on the east side of the Sierra Nevada and southeast of Yosemite National Park. It is home to the highest point in the continental United States, Mt. Whitney, and the lowest point, Badwater in Death Valley National Park. It is also has the Owens Valley, the deepest valley on the American continents, and an ancient Bristlecone pine tree named Methusela, one of the oldest living trees on earth. It has more designated wilderness than any other county in California and its natural resources are arguably one of its biggest attractions. According to Inyo County’s website, their county vision and top two priorities for 2020 are listed as: “Maintain Inyo County’s Natural Environment and Rural Quality of Life” and “Support and Expand Tourism in Inyo County.” For a county that has this wealth of natural beauty, and goals that clearly take that into consideration, they are adamantly opposed to wilderness designations.

During 2007, Senator Boxer (D-CA) and Congressman McKeon (R-CA) were

1http://www.inyocounty.us/Admin/vision_statement.htm
working on a wilderness bill together in the Eastern Sierras. According to the Inyo

Register,

After a short, dispassionate debate, following a short round of familiar pro and con arguments by the public, the Inyo County Board of Supervisors voted unanimously Tuesday to oppose Congressional action to expand the wilderness system in Inyo County and the Inyo National Forest.

The tepid discussion over what has been an emotional issue for years only heated up when the supervisors discussed just how aggressive they wanted the anti-wilderness resolution to sound.

The supervisors all agreed there might be places in the Inyo National Forest where additional wilderness might be appropriate. But years of not being consulted about wilderness proposals that would impact Inyo County pushed the supervisors to take a stance that left little room for compromise or flexibility.

…the resolution states the county opposes earmarking more land as wilderness if that move denies the public access and historic uses of its public lands.

A second change inserted a paragraph into the resolution that stated the county’s support for Congress to create a Semi-Primitive Land Designation to provide equal federal protection for forest lands currently managed as general, multiple use land.

Installing the semi-primitive land designation on all Forest Service lands currently managed for roaded, semi-primitive use is an idea being pushed by Dick Noles, of Bishop, with the backing of the Advocates for Access to Public Lands. To date, Inyo County and more than a dozen local governments in the Eastern Sierra and farther south have endorsed the idea of creating the semi-primitive designation.

…As proposed, the semi-primitive designation would be applied to forest lands that are currently managed for recreation and that are typically accessed by roads and trails. As Noles pointed out, once those types of lands have their own, unique, specific land-use designation in the Forest
Service system, it will take a concerted effort to change the designation. That’s the idea, he notes, to have an open, public debate when land currently used by a wide number of recreationists might be considered for a new, typically more restrictive type of designation…

Members of the public made brief comments. Those opposed to more wilderness said that there was ample wilderness already earmarked, that in Boxer’s proposal and others there were plenty of instances of manufacturing wilderness from land that did not fit wilderness criteria and that keeping land free of a wilderness designation would ensure the survival of the multiple-use concept for public lands…

Wilderness proponents cited several locations that met wilderness criteria and should be protected and said that wilderness drives business in the valley because it attracts visitors, with Mt. Whitney and Death Valley National Park being prime examples of popular attractions in current wilderness areas that draw thousands of visitors and generate free publicity for the county’s tourist-based economy.

Although several speakers mentioned that there is probably plenty of common ground between wilderness supporters and those who oppose wilderness, Arcularius disagreed. “There is no commonality” when it comes to the local wilderness discussion, she said, and that has been apparent for years. The most recent example was the long, extensive talks that attempted to create a local consensus on appropriate wilderness areas in Inyo and Mono counties. (The secret talks that were part of that process led to the agreement on the addition to the Hoover Wilderness.) …

She concluded, “there is no opportunity for local consensus” when it comes to determining potential wilderness boundaries. Bargaining in bad faith has been a reoccurring theme when it comes to wilderness and Inyo County, the supervisors said…In past negotiation, when “you give something, you get nothing in return,” he said, “it’s all one way” and that way leads to more wilderness.
He said, because of the history of the issue and the apparent lack of concern about what Inyo County thinks about more wilderness in its backyard, I’m not inclined to bargain. Wilderness supporters want more, want it all and want it today.\(^4\) The County did pass a resolution opposing the Boxer-McKeon bill. (Appendix D)

My first meeting with the Inyo County Supervisors took place in October 2008. While we had tried our best to keep the potential bill a secret that was of course impossible. We had to meet with stakeholders and locals, and word about what we were doing was bound to get out. While people discussed it in relation to Feinstein and knew it was our intent to get her to be the sponsor, it was usually deemed as a proposal by the CWC. By October 2008, word had spread on OHV blogs, in local papers, and by word of mouth. We had not met with the Inyo County Supervisors yet and had done very little organizing in Inyo County because of the Boxer/McKeon Eastern Sierra bill. That bill was already getting enough negative press and opposition, so our coalition partners thought it best not to bring up another wilderness bill. The purpose of my meeting with Supervisor Linda Arcularius was to brief her on our proposal and answer any questions she might have. Dick Noles of AAPL, who had planned a second meeting that afternoon with the Supervisors and some locals who had interest in our proposal, initiated the meeting.

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\(^4\) *Inyo Register*, June 21, 2007, by John Klusmire
One of the first things that Supervisor Arcularius said to me in our meeting was that this would be the last “closed door” meeting she would do on a wilderness proposal. She told me that McKeon’s and Boxer’s staff had had closed door meetings to discuss the Eastern Sierra bill, and after those meetings were over, they went back on their word and made her look bad. Wilderness affected everyone in Inyo County so every meeting should be a public one. After that she explained that it was not true that Inyo County was against wilderness. They appreciated their natural resources, but wilderness was for the elite and rich. Wilderness was not accessible to everyone, so lack of easy access made it elitist. Vacation homes just bring visitors seasonally, but they are not enough to sustain supermarkets, auto repair shops, and the like. Yes, tourism is a big part of Inyo County but tourism only creates minimum wage jobs, while mining creates real living wage jobs. The last mine to close was the Tungsten mine. According to the Supervisor, 300 jobs were lost and the county has never recovered. She argued that we live in a “free market society” and that mining is a national asset. There are no sustainable activities for the resources on “closed” lands, and that there was a need and market for mining. It is not enough reason to remove mining because of aesthetics. The last argument she made was in regard to how much land is locked up in Inyo County because it is federally owned, or LADWP owns it, which prevents the County from developing or doing what they want and lowers income from property taxes. She mentioned a housing development project just off of Hwy 395 across from the scenic Alabama Hills area that was
being sued. For her, the houses would bring in extra revenue, but people wanted to stop it because it would hurt the scenery. This is unacceptable to her and why “enough is enough.”

Before I headed into the second meeting, I called my coworker Ryan to let him know where I was and what time I should be done. I half jokingly said to him that if he did not hear from me in two hours, to send someone to find me. While my meeting with Supervisor Arcularius was amiable, I knew this next meeting was going to be a lot tougher, and I was by myself. There were fifteen people in attendance including Supervisor Arcularius, Supervisor Cervantes, and me. I was also seven months pregnant. We started by going around introducing ourselves, and everyone seemed friendly. They thanked me for coming, and then they attacked. Attack is a pretty strong word, but that is how quickly the tone in the room changed from cordial to hostile. At one point, Arcularius tried to calm everyone down and told them that I made the trek up there to listen to them.

Not a single person supported any part of our proposal. It was a clear that there is a fundamental difference between wilderness advocates and opponents. Wilderness advocates view the wilderness designation as protecting part of the natural world including its habitats and animal species, cultural resources, natural resources, aesthetic qualities, and the idea of open space that can remain open space to be enjoyed in serenity. Wilderness opponents see wilderness designations as “locking-up” the area to any other use other than looking at or walking around in it. In the Jeffersonian spirit, if the land is not being put to good
use by cultivating it or producing something from it, it is worthless. For
wilderness opponents, the government has too much land that they are controlling
when it actually should be controlled by the people – not for open space, but to
make something of it.

Everyone there supported mining and argued again that tourism only
brings in low paying jobs. Supervisor Cervantes said outright that I had an agenda
and I was disingenuous. Every argument that afternoon included statements such
as, “Wilderness advocates and the environmental community are locking down
our community.” “We need more attention to the *multiple* use of our lands.”
“We need these minerals that can be extracted. It is a national security issue.”
“You are hamstringing the west.” “Wilderness makes me feel oppressed and that
land belongs to me.” “I am angry over the McKeon bill because he went back on
his word. Same thing happened in ’94 with Saline Valley Road. We lose every
time.” “Are you blocking renewables too?” “There is no need, no desire, and you
are shoving it down our throats.” “Who gets to decide where uses are appropriate.
An environmental organization should not have that power.” “You’re all well
paid, and we came here on our own time and money.” “Our freedom is gone
honey, our freedom is gone.”

At the end of the meeting I stood up to shake Supervisor Cervantes’ hand
and thank him for the meeting. He stood up, said he would never support
wilderness, turned his back on me and walked out. Arcularius thanked me for coming and said it should be pretty clear to me how the people of Inyo County feel about wilderness.

We would have one more meeting concerning the areas in Inyo County. The meeting was in Trona in early 2009. I was on maternity leave, so my coworkers Ryan and Laurel went. According to them, it was hostile, counter-productive, and pointless. No one wanted to listen; they just wanted to shout their anti-wilderness views, which included being “locked-out”, “this is my land” and it is a “giant land grab.” Some would argue that the government should stop interfering, but at the same time said these areas were a matter of national security and we were unpatriotic. Someone wrote on our maps, “Go home!” We decided at that point not to have any more town hall style meetings and stuck to individual or small groups where we could really sit and discuss the bill. Harry Baker and Ron Schiller were the last two left at the Inyo County meeting and asked if I could go over some maps with them, and I agreed.

Harry and Ron both had concerns about all the areas in Inyo County. They brought up Surprise Canyon as an example of a broken promise and how unfair it was for the property owners not to have access to their land. They talked about the importance of Panamint Valley Days and the Slates, and they wanted to see the letter from the military to the Senator stating the military’s position on the
potential wilderness areas. Ron was particularly concerned about access in places like the Slates and the Cadys WSA for rockhounders to continue to practice their hobby.

I asked both Harry and Ron for maps outlining routes that they wanted to see open and showing me where they thought they would be closed-off. Ron had gotten wind of the possibility that the Senator was considering expanding some of the existing OHV areas. It was true that Meg had offered this up as one of the things that the OHV community would like to have in the bill, and we had already done some preliminary field checking near the Golden Valley Wilderness Area and the Spangler Hills open area. Ron was very upset by this. He lived near the area and did not want to see the area we were talking about expand to that particular place. He said that Meg was operating out of her realm and that it was not realistic to think that this area could ever expand. Part of his argument seemed to come from a NIMBYism point of view, but he also seemed doubtful about the whole process and distrustful of the relationship between Meg and me.

I would meet up with Ron only once or twice more, but Harry and I would continue to have contact. Neither ever gave me a single map to show the routes that they wanted open. In my interview with Randy, he explained that was because hunters and rockhounders did not consider themselves part of the OHV community, yet they used many of the same routes. Ron is a rockhounder. The difference was that hunters and rockhounders did not want to share their “secret” routes, much like a fisherman does not want to share his secret fishing spot.
These groups did not align themselves with the OHV community, but did not align themselves with the environmental community either. They just wanted to be left alone to do their own thing.

Harry, who is not a local of Inyo County, but was there on behalf of Cal 4WD and off road interests, made sure he told me that Meg and Jerry do not represent the off-road community. I had heard this before. The old timers like Harry, Ron Schiller, and another off-road advocate, Ed Waldheim, often made disparaging comments about Meg and Jerry (but especially Meg) on off-road blogs and at meetings. Meg is a woman, much younger than these men, and was in a paid position for an off-road trade organization that was not always viewed as having the backs of the individual off-roader. Jerry was also much younger than these men and had had no history with the CDPA ’94. He was also part of AMA District 37 who supported the ’94 bill. I asked Harry about this and other things in an interview in August 2011.

Harry grew up in Montana hunting and fishing. There were no jobs in Montana unless you were born into a family business and his family’s ranch was not big enough to support everyone, so after college graduation he moved to California. After being laid-off from a job in the aerospace industry, he took a temporary job with Pacific Bell, a telephone company. He quickly moved up to management and worked for Pacific Bell for the next 28 years. He said,

but because I grew up in Montana, I like the outdoors. I like the open space. When I first came down here I bought a pick-up and I traveled...
mountains and just to get away from the city. I didn’t like the closeness of everybody in the city, so I’d go out, leave work Friday night and come back early Monday morning back to work. The desert has a mystique… so much to explore out there, so much unknown out there that it just seemed to fit my lifestyle… I began to spend a lot more time in the desert, found places to go. The auto club got upset with me because I kept getting stuck with my two-wheel drive pick-up so I bought a jeep and that was in ’68. I still have that Jeep…

The desert has an allure to it. There’s so much stuff out there and to get away from people. Because I grew up in Montana I knew what open space was. I knew what you could do out there and what you couldn’t out there. There’s one kind of unique thing in Montana - you stick to roads and trails because of the terrain. It’s steep so the roads go places. They go to mines, they go to hunting grounds, they go to fishing areas, and stuff like that, and that’s something I grew up with so when I came to the desert I stayed on the roads and trails. I never had any problem with that type of issue.

Because I first had the two-wheel drive truck and then the jeep, but I was used to driving trails, and I still drive trails. The only time that I don’t drive trails is in the areas where it’s allowed to go cross-country because that was my conditioning. I never saw a hill that I had to go up. I saw hills where there were roads I can go up and I went up them but I didn’t just go up to go up. I did at time see a lot of areas that were kind of like play areas, and I think probably in ’74, somewhere around ’74, when the BLM started inventorying roads and started to look at the damage in the desert because of the increased recreation out there, and I remember there was a guy Howard Wilshire who would take pictures of areas that were used and abused, and he would show them as if this is what the whole desert looked like, and it really got to me that that what would be portrayed as if that is what the desert was like. He was the one I thought was a radical on the environmental side, and then the environmentalists were coming on strong, and he was the one to me who portrayed a very poor picture… we wanted to be able to use the desert and use it properly but not necessarily have people use pictures as lies to get us out of there, and one of the big examples of that was Afton Canyon… I’m also a rockhound; it kind of goes naturally with 4-wheeling. So I would pick up a lot of specimens out there and he was one of the big ones at that time trying to close that whole area. [T]here was a play area out there near Afton Canyon that he would
take pictures of and I think I probably have seen those pictures from him 20 different places, different angles at different days, the exact same pictures. Same area but being used to portray damage in the desert and other places, and it’s one of the things that really hurt my opinion of environmentalists, because I am an environmentalist.

I respect the land and use it properly, so it became this conflict, and I got involved with CWC again through my activities in the desert and that was the original California desert coalition ... the original one was actually formed with a coalition of rock hounds and miners, hunters, four-wheelers, and motorcyclists to fight Cranston’s bill...probably the coalition that stopped Cranston back when it was S-3472, the first bill number, then it becomes S-7, S-11, S-21. Through all those eight years, CWC, the original one, was a group of people that used the desert and respected the desert and had the same desires that I had about being able to use it, and we didn’t necessarily 100 percent oppose wilderness but we opposed wilderness that doesn’t meet the criteria of wilderness, and there are a lot of areas in the desert that the BLM went through and identified as being a symbol for what it is. A lot of areas the BLM went through and deemed not suitable, but the study got hijacked. We got hijacked by the extreme environmentalist saying that any place you study must have been wilderness quality or you wouldn’t have studied it which wasn’t what [the BLM’s] mandate was. Their mandate was to study all of the desert so when the first bill came out, the S-21 or whatever S-7, whatever you want to call it, the Cranston bill, it had all these areas as wilderness and it was to close about 11 million acres of California desert out of the 14, 15 million that were available for public use... I’ve talked to you on [Senator Feinstein’s] bill. There are areas that could stand wilderness protection, with some caveats, but there are some areas that don’t deserve wilderness protection and that’s how we felt back then - that there was a land grab...once it’s locked up, it’s locked up.

I asked him about his work on the CDPA ’94 and why the distrust now of fellow off-roaders like Meg and Jerry. Harry explained that he met with Senator Feinstein’s lead staffer on the bill, Kathy Lacey twice in Washington D.C. They had a list of roads they wanted to see remain open.
If we have [those roads] we can support the bill. It’s very much like what your doing now to a limited degree - ok here’s a route, if that route is really there and it’s really vital to access something maybe we can put it in the bill. We haven’t seen that totally yet, but that’s something you have talked about that they wouldn’t do back then. Kathy Lacey said flat out this is the bill and that’s what it’s going to be there. We had a friend back there, Senator Campbell, and he was a friend of the AMA, and they didn’t work with him but they did get nine roads pulled out of the bill and made cherrystems or corridors. Unfortunately because of other circumstances many of those roads are now gone. One of them is Surprise Canyon, which was in the original bill to be closed. We got it as a cherrystem. Now it’s closed because of the riparian area. A couple of other ones - same type of thing. They used a different tactic to close that road. They gave it to us and took it away, and that is what we see quite honestly happening today. Same thing. Oh yeah, we will give you this corridor and someone else comes along and for some other reason closes it. We don’t trust the environmentalist. We don’t trust the people who are running the bill including Senator Feinstein because she promised us there would be no more wilderness once S-21 passed. That is what was actually said at the Biltmore Hotel in L.A.

I asked Harry if the Senator really said that she would not pursue anymore wilderness after the CDPA ’94, and he said yes, “She said no more wilderness. I was there. Ed Waldheim was there.” He went on to say,

In all due respect it may be what she meant, and because what you said earlier, CWC is [proposing this] bill. Technically, it’s not her doing it, so there is wiggle room there I guess if you want to really look at it that way. She’s not looking for more wilderness, somebody else is, and she’s just a Senator that’s going to go along with it if she gets enough [support]…”There] has to be a kind of tongue in cheek congratulations to your type of approach. You got all the little groups one by one to sign on. We can meet your little bet, and ok and then you can support it, and it became where it looked like the whole off-road community would support the bill. Meg called first.
Harry said others called him, some asking where the important routes are and others to say they did not want to see any more land closed-up unless it is really pristine and really needs wilderness protection... what we saw from the bill was another land grab that you increased the size. When I say you I don’t mean you specifically Monica. You increased the Avawatz all the way out to highway 127. It wasn’t just the wilderness study area that was proposed; it was increasing the land further. It became to us another land grab, and we saw it as Feinstein going back on her word. Well maybe, maybe she didn’t, but the issue was when you, not you, when the group went back to D.C and said Senator we have all the off-road community supporting this bill... We said no we’re not... It may have come from Fred Wiley, [president of ORBA], who was saying that all the off-road community was together because he at that time was trying to be the guru of all the off-road community. He never really was. We are all independent and we agreed to do our own thing. So I got in trouble quite a bit because of that, I put my foot down. No, Cal 4WD is not supporting that and wrote a couple letters. I got chewed out by Fred right about the same time the bill was introduced for designating the open areas.

Harry went on to say,

If you really wanted support, you would give us as much as you can, but you don’t. You only give us a little bit and then you also know that because what happened with [the CDPA ‘94] you compromise certain portions of it but you come right back. The environmentalists come right on back to ask for it again. They wait two, three years, five years, in this case 15 years and now their back looking for the portions that they had to give up to get the bill passed the first time. So it’s a never-ending battle. At some point in time we see the total land mass being closed and looking what DRECP [the Desert Renewable Energy Conservation Plan] which is the desert renewal energy conservation plan, if you look at the plan and the map that came out in the second or third meeting where it shows all the green and the dark blue. If you look at that map it closes the whole desert and it closes it saying its closed because of mitigation and stuff like that, but if you look at it closely it’s closing all the land that is right now limited access, and I don’t have any problem with limited access land.
fact I think that if we had limited access land all over the place and got some law enforcement out there, and those idiots that are out there destroying the land should be thrown in jail. It should be publicized that that is what is happening, and it would stop a lot more, but their getting away with it. The judges are letting people get away with it on technicalities…if you ever been out to El Mirage or areas around the Colorado River it's totally trashed and there is no reason for it…it’s disgusting but the rangers out there don’t do anything. They drive around and they don’t go to the camp where there is stuff going on…those are the things that bother us more than anything – it’s just penalizing us, the responsible off highway user.

Harry talked about the compromise with the hunters and the Mojave Preserve in the CDPA ’94. The Senator agreed to allow hunting to continue and make the now Mojave Preserve a preserve rather than a national park. But he pointed out, “Oh that’s great and fine. We’ll support you now but wasn’t mentioned is that they lost their access. They can’t drive into the areas like wilderness for example, and they closed a lot of the existing roads and trails.”

Harry argued that the off-road community did ask for numerous trails in the CDPA ’94 but no one listened to them. He went to DC on five separate occasions and says he was basically ignored. I asked him why he thought they were not being heard and he replied that they simply did not have the numbers that organizations like the Sierra Club have. Again, he used the argument of being locked out and never being able to use the designated wilderness area again.

A lot of people belong to the Sierra Club because they like the calendars. They like the pretty pictures and talk about preserving the place, and it sounds pretty neat, and if you don’t use it you’re in the city. You don’t use that area, man you’re doing a great job for people. You’re saving it for the future, but they don’t realize that they can never use it again and
the future is not for somebody to use it 50 years from now. The future is forever; it’s out there and it’s going to be protected. It’s going to be that way 100 years from now and the only way you can see it is to fly over it. To be honest you can’t hike in it if you don’t have the strength. Most people don’t have the strength. You can’t drive into a certain area and hike from there because it’s too far from where you drive to…I don’t understand why should it have to be locked up now. If you want to stop a mine from going in there, why can’t you make them follow the regulations that are in place…It doesn’t need this ‘W’ over the top of it where it excludes everything. I think we’re taking too much of the public land away and making it basically private. It’s private in a sense that no one can use it.

The off-road community remained split even after bill introduction. In the meantime, I continued to meet with several other off-roaders and OHV groups always asking what they wanted to see in the bill. Many never trusted us. A few went out in the field with us and got what they wanted or at least some of what they wanted, and then turned against us on the blog sites anyway. I had a hard time understanding why you would not want to negotiate if you knew the bill was going to move forward even without your support. Why not get something out of it? Randy explained to me that even if they, the off-roaders in this case, just said no for five, ten, maybe even 15 years (the CDPA ’94 took 13 years to get passed), then they helped fight off something for that amount of time – that was a victory for many of them. Saying “no” and being a vocal opponent, even for a short period of time was viewed as better than compromising and having something taken away from them permanently. While we would get the support of quite a few OHV groups, we never would get the support of Cal 4WD or CORVA, the two largest California groups. The Sierra Club, who had been so instrumental in getting the CDPA
'94 off the ground, written and passed, would not be a supporter of this bill either mainly because of the concessions made to the OHV community.

These early negotiations with the off-road community and others reflect the disputes over the perceptions and aesthetics of landscape, and control and access of federal lands. New values conflict with old and the power changes so that the new value achieves the majority of votes and the previous users' values lose transforming the landscape as people’s perceptions adjust. This change has not always been welcome or seen as a positive transformation, and to understand why we should look at the history and trace the connection to a broader social setting (Neumann 1992).

Inyo County’s primary source of income is from tourism based on their scenic resources, yet they despise the idea of more wilderness designations. They have one of the highest percentages of federal lands within their county and strongly believe that since they are “cursed” with federal land they at least should be able to have a say in its development – i.e. mining operations and grazing. From a historical perspective, they are still angry at the city of Los Angeles for “stealing” “their” water. Currently their experience is that affluent Angelenos and other urban dwellers buy second homes in their county and visit for part of the year. A month long visit is not enough to sustain grocery stores and gas stations and other amenities, whereas mining provides jobs for fulltime residents who will then shop year round and need those services. There is no question in their minds that the federal lands in their backyard are for their use, and wilderness is not
part of their vision. They have had many businesses close in the last few decades and are feeling the economic crisis along with everyone else, probably more so.

They blame wilderness advocates and the federal government for telling them what they can or cannot do with their land. They have a strong dislike for outsiders and distrust big government. Looking at the social, historical, economic, and political factors that influence Inyo County’s stance makes it easier to understand their point of view.

To understand the culture of the land users is “as integral to resource conflicts themselves . . . struggles over land and environmental resources are simultaneously struggles over cultural meanings” (Moore 1993, 382-383). For Inyo County it is about land rights and competing forms of rural capitalism, similar to Walker and Fortmann’s case study in Nevada County (Walker and Fortmann 2003).

While Big Bear Lake is not within the Mojave Desert, there is a portion of the bill that directly impacts them — the proposed addition to the San Gorgonio Wilderness. Firefighting is always a contentious issue when the subject of wilderness is discussed mainly due to a misunderstanding of how fires are fought in wilderness. While no mechanized equipment is allowed in wilderness, wild fires can be fought using any means necessary. In a meeting with the City of Big Bear Lake, the Mayor and City Council insisted that wilderness would cause a hindrance to fire fighting methods and put the town at risk. Wild fires are of utmost concern for this mountain community, and everyone at that meeting had been evacuated from their homes at some point in time due to fires. Firefighters from the U.S. Forest Service (USFS) attended the meeting and reported that wilderness had never caused a delay when fighting a fire that caused any
increased risk to a city or population. It did not matter to them. Their minds were made up. Everyone had an “incident” that they could testify to that they knew for a fact had happened which caused a delay that ultimately resulted in a fire going out of control or destroying property. There was no refuting what they believed to be true and consequently we were not going to get their support for the bill. Clearly, Big Bear’s past experience with fire directly impacted their point of view toward wilderness.

In their study in Nevada County, Walker and Fortmann also discuss how the various stakeholder groups aligned themselves. It appears that coalitions collaborated along similar lines - ranchers with ranchers, environmentalists with environmentalists, and so on; those alignments occurred along the lines of visions and perceptions of the landscape. The timber industry aligned themselves with property rights advocacy groups arguing against an “anti-human wilderness romanticism” in favor of a landscape where "humans are masters of nature" (Walker and Fortmann 2003). Surprise Canyon has very clear and decisive alignments. The off-roaders all agreed it should remain open to vehicles and all the environmentalists believed it should be closed to protect it. Extreme off-roaders who winched their way up Surprise Canyon spent thousands of dollars on the equipment and on their vehicles in order to do so. Yet, it was these very same groups who called the environmentalists, the hikers, and the backpackers elitists. The arguments about whether Surprise Canyon should be preserved or not gives insight to another issue and that is how people value or perceive wilderness or potential wilderness. In other words, how do individuals or groups construct wilderness? Proctor argues that social constructivism can be most useful in analyzing “the universalism underlying the ways
conventional environmental ethics invokes facts and values in its defense…Constructivism seems to imply that we must replace the solid rock of universalism upon which environmental concern is founded with the shifting sands of specific cases and multiple perspectives” (Proctor 2001, 233).

Admittedly I find Surprise Canyon one of the most beautiful places I have ever seen, and it is inconceivable to me that someone else could look at this place and believe it is okay to drive huge, lifted jeeps over its falls and through the crystal clear water, yet some do. Perceptions and values are a large part of the constructionist arguments and Proctor argues for a pragmatic approach in looking at social constructivism and nature. “The pragmatist’s epistemological interest may be less in deciding whose version of nature is ‘closer to the truth’ than in identifying practically derived truths both sides share, truths that may help build coalitions to support both nature protection and social justice” (Proctor 1998, 370). Surprise Canyon was not just a debate over what is wilderness or not, but about access. The extreme off-roaders, along with the rest of the off-road community were upset because they got shut out of a place that they felt had been left open for them in prior legislation. This was an example of politicians going back on their word. The accusation of elitism is not about rich and powerful versus poor and defeated in this case. For the off-road community, and for Inyo County for that matter, elitism is about the people who want to close access to the public lands. By “close”, they mean any kind of prohibitive regulation or designation. In Nevada City, the protection project that the Board of Supervisors was trying to get passed was viewed
as a threat to local property rights and "emerged from an 'elitist' vision of the landscape as a commons to be controlled through government regulation" (Walker and Fortmann 2003).

When listening to George Barnes and Harry Baker describe the desert and why each of them likes this particular landscape, one would never know that they are on opposite sides of the desert bill fight. Both of them appreciate the solitude, the mystique, and the challenges of the terrain. Both of them enjoyed exploring the desert in jeeps in their younger years, and both became advocates for the desert. George wants to see the desert protected from illegal and abusive off-road use, and Harry wants to protect his right to access the desert and the routes that he has traveled on for years. Harry does not abuse the desert nor ride destructively, and he does not like when others do. George explores much of the desert on his favorite trails that are open or have been cherrystemmed in large part because he had such a major role in drawing the maps for the CDPA ’94.

Harry believes the environmentalists and the government have taken too much and closed access where it did not warrant closing. While he loves the desert and accepts that many desert wilderness areas deserve the designation, he does not believe that many of the places we were advocating for now are worthy. At the heart of his argument though was his firm conviction to access and a strong distrust of the environmental community and the government. He argued that both Senator Feinstein and the environmental groups went back on their word. They would promise something or make a compromise and then a few years later either litigate or in the case of the Senator, just
do the opposite of what she promised. George, on the other hand, saw the destructiveness caused to his beloved desert by illegal and irresponsible off-roading, and viewed the environmental community and the government as the only hope for protection. Access was pointless if it led to overall destruction and abuse. So while both love the desert for its beauty and what it has to offer, the desert fight is over use and control of the public lands.

While some off-road groups supported the bill, Harry and his group Cal 4WD never endorsed it. In refusing to participate, the actor might be demonstrating that the process really isn't participatory at all, thereby throwing off the whole process (or at least trying to) (Sharp 1973). For Cal 4WD and Harry, the desert bill was a zero-sum game. If they could fight it and keep it from moving forward, that was a victory. The compromises did not matter and were even considered disingenuous. Past experience had left them distrustful and angry. “Indeed, the logic of a zero-sum game encourages the various participants to concentrate their energies on the task of blocking the moves of their opponents rather than on seeking to establish a common ground on which compromises could be constructed” (Cawley and Freemuth 1997). For Cal 4WD and CORVA and their respective members, resisting pressure to support and actively expressing discontent on blog sites and in press editorials became a very powerful tool (Law 1991; Umans 1998; Few 2002). They were able to align themselves with others who opposed, like miners, and they frequently let Congressmen Lewis and McKeon know they opposed. Even though we had a whole list of OHV groups who endorsed the bill, an opponent could always point to these two large groups and ask why we did not
have their support. Yet, members of these groups agreed that they would not be able to stop the bill from passing.

Not all off-road groups took this position. ORBA and AMA District 37 were both willing to compromise and negotiate. The representatives we were working with were not involved in the fight against the CDPA ’94, and they believed that the OHV community did not get anything back then because they were unwilling to come to the negotiating table. Their willingness to work with the environmental groups now was not necessarily because they believed the environmentalists were doing the right thing, but they viewed what had happened in the CDPA ’94 as a failure and did not want to make that mistake again.

During some field checking with Meg from ORBA, Surprise Canyon came up during the conversation. She commented that Surprise Canyon was not worth “saving” because they (the off-road groups) would be getting so much more and probably would never win the Surprise Canyon fight anyway. “Saving” Surprise Canyon meant keeping it open to off-road use. Her opinion, as it was many others, was that Surprise Canyon should be open. It was not even a question of its being worthy of a wilderness designation or not. However, Meg and others did not see fighting the environmentalists on everything as a winning strategy. The off-roaders were asked for what they wanted in the bill, so in their view even if they lost some places and some access, they were winning in the long run.
CHAPTER TWO
SEALS, Intaglios, and Walter’s Camp

The first time Leon and I visited Milpitas Wash we went with three long time wilderness activists, two of whom had worked on the passage of Senator Feinstein’s California Desert CDPA ‘94. Milpitas Wash, located just west of the Colorado River in the Sonoran desert, was quite the surprise with its dense (by desert standards) forest of Ironwood, Palo Verde, and Smoke trees. Touted as the largest Sonoran woodland in North America (we would use this line often in our argument as to why it should be designated wilderness), it did not disappoint. It was also somewhat of an island in the sense that it was surrounded by abandoned, or maybe not abandoned (sometimes it was hard to tell) homes, junk yards, broken fences, and other half erected structures. Craig, a long time Sierra Club member and self-pronounced desert rat, led our tour and it was not easy keeping up with him as he flew through the washes and rocky roads. We were in a very capable car for off-road navigation, but Craig was driving like he was on the autobahn. At one point, we could see his skid plate on the bottom of his car falling off on one side. We pulled over and he crawled under to take a look. “The rocks must have sheared the bolt right off,” He explained to us. The more probable explanation is that it vibrated loose from all the hard driving Craig had been doing.

The purpose of this trip was for me to become familiar with this area that the CWC was considering for wilderness designation and to do some field checking. The CWC prided itself on the extensive research they did in an area before it was proposed to an elected official. There is a list of 50 questions that had to be answered for each place
Some of these questions required working with the various agencies such as the BLM, Fish and Wildlife Service (FWS), Border Patrol, etc., in order to answer them, and some required on the ground scouting. In addition, Cow’s philosophy was that anyone they hired needed to go out and see the places they were working to protect so that he/she would understand why they were special, could talk about them first hand, and ultimately develop a closer relationship to each place. I spent a good part of my first four months with the CWC exploring the desert and each of the areas we wanted Senator Feinstein to consider for legislation. It definitely made a difference later in the way I would be able to talk about each place when advocating for support or countering claims by the opposition, and it intensified my dedication to different places.

I did not love every place nor did I believe that every place deserved a wilderness designation. On the other hand, there were many special places that I was deeply connected to and would fight hard to protect.

Milpitas Wash was only one of four places we were considering for wilderness in this area. The others were Vinagre Wash, and the Indian Pass and Palo Verde Wilderness Additions (Figure 13). Indian Pass and Palo Verde Wilderness areas were designated as wilderness in the CDPA ‘94. The additions we were now looking at were left out of the 1994 bill because of private inholdings (mainly former railroad lands) and mining operations. We only had time to briefly look at the Milpitas Wash area. It was clear that people were using the washes to travel, though there were very few tracks. These areas are part of the BLM’s Northeast Colorado Management Plan (NECO). According to NECO, traversing through washes with motorized vehicles is allowed. At the time, as
part of another lawsuit, the CBD was suing on that particular provision in NECO; they were asking for the washes to be closed to all vehicle use. We did not know about the wash provision or that part of the lawsuit at this time. Other than the surprising lushness and the dilapidated buildings on the outskirts, there was nothing that popped out as a red flag.

Figure 13

That night we pulled off the side of a route, set up some chairs and ate cold sandwiches. The night was strangely eerie. This place did not have the same solitude as other places in the desert that were truly remote and away from everything. We had
traveled around all day and it was clear that people lived in some of those “abandoned” houses. There was a reason they lived so far removed from anyone else and somehow I do not think they liked people camping in their “backyards”. This could have been just my own anxiety, but I was uncomfortable nonetheless.

Figure 14: Milpitas Wash has the largest Sonoran Woodland in North America.

It started to sprinkle on us so we decided to call it a night. Leon and I knew we were only going to be out there for a day. We had taken our jeep, which has about as much room as a child’s toy box, so we had packed light. We reclined our seats, I tilted the steering wheel up, and we covered ourselves with our sleeping bags, and slept in the car.

After a very restless night, Leon and I got out of the jeep early the next morning. It was an uneventful night but we were regretting our choice to sleep in the car. We said goodbye, and as we drove out on Walter’s Camp Road to the main highway, we saw a double rainbow behind us. We passed by the turn out for a place called Walter’s Camp.
I had asked Craig and Geoffrey, another Sierra Club activist who had joined us, what Walter’s Camp was. They explained it was a small community of homes on the banks of the Colorado River. Geoffrey mentioned that he was going to make some contacts there. That seemed sufficient for now. We would not come back this way until August when we gave Feinstein’s staff a tour. I was working in the Mojave in San Bernardino and Inyo counties. To come back this way, was a long trip and I did not have the time. Craig had volunteered to continue field checking our boundaries and answering some of our 50 questions. Not doing the work myself was a big mistake that was not only a huge embarrassment but almost cost us this area in the final bill.

Figure 15: Driving out of Milpitas Wash we saw a double rainbow.

August is a miserable time to visit the desert, but it is an especially miserable time in Imperial County because the humidity is so high. It was probably about 105, but it was also spitting rain down on us and it felt like a steam bath. There was no shade as we tried to look for a somewhat comfortable place to pull over and eat lunch. This was the
third day of our tour with James and Chris, so we were already exhausted and the extreme heat did not help. Craig was far more knowledgeable of these areas than I was, and he had done the majority of the field checking, so he led the tour. James was in his car along with Debra DeMeo from the NPCA. She had accompanied us on the tour of the Joshua Tree Park additions that were part of a different wilderness bill and decided to join us for this leg also. Chris was in the car with Leon and I, and I could tell he was not impressed. He was hot and tired and uncomfortable. Three days of bouncing around on dirt roads in the heat takes its toll. James and Chris wanted to get through this last part quickly, but Craig wanted to be thorough. Craig also drove so fast that he sometimes missed turn-offs and it felt like we were always getting lost. We drove through Milpitas Wash and parts of Vinagre Wash and the Palo Verde additions. We did not get a chance to see the Indian Pass additions, but since they were additions it did not seem as important.

We did not head home for the four-hour drive until about 5:00. Even though we were exhausted and burnt out, the tour had been successful. There was great camaraderie between all of us, lots of laughter that lightened up the monotony of driving, and a growing confidence that we would be getting quite a few acres in a bill as James indicated that he would add these areas to his recommendation list to the Senator. Craig had finished the field checking, and we were working on map data that we could forward to the BLM. All seemed well for the next year. Then the Navy called.
On October 14, 2008, I drove to San Diego to meet with the Navy SEALS at Senator Feinstein’s office. We had been working with the military already, and I had a good relationship with some of the civilian staff that worked on legislative issues like this. Mike, the Navy’s regional environmental coordination program manager was there, along with Chris, the fleet environmental coordinator, and Mary Kay, environmental counsel. The others were members or representatives of the SEALS. I sat against the wall, in the corner, in a now crowded little office. I wouldn’t have been able to get up or out if I had wanted to. It was nice to have these few friendly and familiar faces because otherwise the meeting would have been a lot more intimidating.

A representative from the SEALS immediately began to explain how the SEALS were using the areas in Imperial County for training purposes. He put it to me this way: “We drop a few humvees and about 50 dudes on the ground, and they have two or three days to get out without leaving a trace.” He described how a man spit some chewing tobacco on the ground and was taken to task for it. If someone was tracking him they could tell that he had gone through that way and how long ago based on the wetness of the tobacco or if it was already dry. I told them that they were doing a damn good job because no one knew they were there. No one did. The BLM was unaware of the training practices and they had no permit. Even though they were the military, this was BLM managed land and they were required to have a permit. We had already spoken to folks from Border Patrol and they had never mentioned it. The County Supervisors we had spoken to were uninformed of the trainings, and later on we would confirm that the
local residents from Walter’s Camp and some local hunting groups were also unaware of the training activities.

The SEALS wanted to continue their training activities. The area was important to them for several reasons. First, they said the terrain was similar to that of Iraq. The second reason was what they called “dwell time,” the time spent at home. The longer a soldier can remain close to home, the better. So having a local training ground was very important. The next closest area to this kind of training was the Twenty nine Palms Marine Base but that was impacted all the time and logistically not as feasible. So if we didn’t have a problem with their training, they wouldn’t have a problem with our wilderness proposal. In fact, they did not want any other development in the area and liked the idea of protecting it as open space. With the threat of renewable energy development growing, the possibility of a few wind or solar farms in the area was a possibility. If they were only dropping the “50 dudes” we would not have a problem, but the humvees were an issue.

How they got those vehicles out of there without causing major damage is still unbelievable to others and me. Craig, who had spent a lot of time out there, had never found evidence of that kind of destruction. Others who used the area regularly for hunting or off-roading also were amazed at the lack of evidence of three-ton vehicles tearing through. But no matter how good they were at covering their tracks, the point remained that you cannot have anything mechanized in wilderness areas. The BLM would not ever be able to legally grant them a permit once the areas were designated
wilderness. So we either had to figure this out or we were going to lose Imperial County in our proposal. I made it clear to the Navy that we would be willing to find a solution, but we were not willing to give up on wilderness. They were clear that they did not want to see any other development in the area either so wilderness was fine with them – as long as they could keep doing what they were doing. They also knew that they would now have to go to BLM and get that permit they needed to do this training in the first place.

Feinstein’s staff made it clear that we would need to work this out between the SEALs and us, and if we couldn’t, the SEALs would most likely win. I went on maternity leave shortly after this meeting and Ryan, my coworker, spent the next two months negotiating with the SEALs. It was Ryan who had the great idea that these areas could be introduced as “potential” wilderness with the idea that once the SEALs were done with the area for training purposes, they would then become wilderness. Ryan went back and forth with the Senate Energy and Natural Resources committee chief of staff David Brooks to see if this idea would even fly in committee. What was the point of doing all this negotiation if it turned out the committee would reject it? The language was worked out that satisfied the committee, most environmental groups that were part of our coalition, and most importantly the SEALs. The areas would be potential wilderness and managed as wilderness, except for the SEALs’ operations, and there was no time limit on how long that would last. If the military needed the area for the next 100 years, then it would be 100 years before these areas would be designated as wilderness.
The deal that we struck ended up being a helpful tool in gaining support for the bill. Working in a positive way with the military is usually beneficial. Letting people know that the Navy saw these negotiations as a win-win situation gave us more credibility. The SEALS would continue to use the areas indefinitely for training while at the same time the areas would be protected from any other development in the areas ensuring their future training activities. The story of the “50 dudes and a few humvees” made a great story as we met with stakeholders to secure their endorsements. In fact, I told that story with my one liner, “I told them that they were doing a damn good job because no one knows they are there” hundreds of times. Whoever was with me during a meeting as part of our coalition gave the obligatory laugh as if they had just heard that joke for the first time. It charmed most people and usually got a few chuckles. In the meantime, we had not lost Imperial County and things remained quiet for a few months. None of our coalition partners expressed any concern with this compromise.

We had a young organizer, Ashmi, working in Imperial County doing some grassroots work. She was from the area and we thought it best to have a local do on the ground. The only other meetings we had had were with County Supervisor Gary Wyatt, the Border Patrol, and the water district. James had known Gary Wyatt for a long time, so this was an easy meeting to get even though none of the areas were in his district. Wally Leimgruber was the Supervisor who represented the area we had interest in, but we had not had a meeting with him yet. We thought we would build our grassroots support before we approached Leimgruber. So along with various people and groups that Ashmi was working with, she also had made a contact in Walter’s Camp, the nearby
resident community of about 55 homes. Gary was a very nice, 22-year resident of Walter’s Camp who wrote a wonderful letter of support on letterhead from the Tamarack Lagoon Coalition.

Dear Senator Feinstein:

Since 1987 my family has owned property at Walters Camp, Imperial County, a remote Colorado River community located at the eastern end of Vinagre Wash. My wife and I have been permanent residents here since 2003.

It is truly heartbreaking to see the Vinagre Wash area on the verge of being over-run by off-road vehicles having “off-the-shelf” hill-climbing capabilities never before available.

The once-respected culture of conservation is being rapidly replaced by an “I want to drive everywhere” attitude, which is literally ruining our scenic and fragile desert lands.

The Vinagre Wash Wilderness and Indian Pass Wilderness addition proposed by the California Wilderness Coalition would help preserve the valuable and unique natural resources in this area for our children and grandchildren. The CWC proposal includes established, designated jeep trails through the wash so that this area can still be safely traveled, but more importantly sets aside the vast majority for preservation.

Your support and assistance in writing legislation to help protect these sensitive areas would be greatly appreciated by Walters Camp homeowners, visitors and future generations.

Sincerely,

TAMARACK LAGOON COALITION

(Letter dated February 28, 2009)
According to Walter’s Camp resident, Matt Hensel, the Tamarack Lagoon Corporation (TLC) is made up of property owners along the river. However, the filing of the business name in the local paper was done under Gary’s name and address. The TLC has been involved in quite a few conservation battles including one that opposed a bill that would authorize California City to close its streets to vehicular traffic and instead allow off-highway vehicles to use the streets. California City is about 300 miles away from Walter’s Camp. Why the TLC would be involved in a bill so far away from where they are based is unclear especially if it is supposed to be a homeowner’s association. At first it was our understanding that this organization represented all or most of the residents in Walter’s Camp and that Gary worked with them. This was not the case as we found out in April 2009 when I got a call from Don, another resident in Walter’s Camp.

Don lived in San Diego County and was a successful developer. According to some of my contacts, he had many important political associations. His home in Walter’s Camp was a second home as it was for many of the Walter’s Camp residents. Don called me to discuss concerns he had about the wilderness proposal near Walter’s Camp. He sent me a packet of maps that definitely overlapped with our wilderness proposal and had OHV routes drawn all over it, some legal and some illegal, and almost all of which would be permanently closed with a wilderness designation. I suggested that we go see these routes on the ground, but that we would have to do it immediately because the Senator was planning on introducing her bill soon. Don was cordial at first but then turned hostile once I said to him that we needed to move quickly. He did not understand why neither he nor anyone else had ever been contacted about the proposal beforehand, and
that it did not fit in his schedule to go soon. I explained to him that we had contacted someone in Walter’s Camp and had a letter of support from the homeowners’ association. Don said that Gary did not represent the views of Walter’s Camp and had no authority to write that letter or express the opinion of the other residents.

Shortly after this conversation, James called me to ask about Walter’s Camp. Letters were coming into the Senator’s office from people there with issues about the wilderness proposal. Letters were also being sent to Congressman Filner who represented this area, as well as Supervisor Leimgruber. It caught the attention of all three and we had to do something fast. So we organized a meeting with the Walter’s Camp folks along with the Senator’s staff. Ryan flew down from Redding, and he, Laurel, and I drove to Walter’s Camp on May 15, 2009.

When we drove up to the home of Matt Hensel, the man who would become in charge of organizing the residents, there were about 30 or more jeeps parked in front and about 80 people lingering in front of the house. This felt like an ambush reminiscent of our Trona meeting. Supervisor Leimgruber was there as well as a staff representative from Congressman Filner’s office, a Border Patrol agent, Meg from ORBA and David Hubbard, a lawyer representing several off-road groups. Harry and Helen Baker of Cal 4WD were present, as well as Bob Hamm, director for intergovernmental relations for the County and a huge opponent of the CDPA ‘94. A BLM ranger was also in attendance. He stated that he was responsible for the area but had no idea homes were located here. All the rest were residents from Walter’s Camp.
The meeting started off tensely. Matt began by displaying large maps he had prepared of the areas in question. James spoke next, thanking everyone for coming and asking for everyone to introduce him/herself. As people from Walter’s Camp introduced themselves, some gave short histories of the area and stated how long they had lived there (some for more than 35 years). They also gave a personal reason why they were there. “This is a community and we take care of this place.” “I have been riding out here for 20 years, and we watch out for each other and this place.” “We don’t want outsiders coming in and taking what we have.” “Thank you for coming and listening to us.” “Why weren’t we consulted about this?” There was a lot of emotion, hostility, and distrust in people’s voices. They very much felt ownership of this place, even though the vast majority of the area they were riding on was public land.

Figure 16: The Walter’s Camp Meeting
Figure 17: Introductions

Figure 18: Discussing maps.
James also stated in his introductory comments, that Senator Feinstein had not yet formulated a position on this area. According to Matt Hensel’s minutes of the meeting, he wrote

Mr. Peterson represented Senator Feinstein very well, characterizing her as a person who wants the feedback of the local population – and also as a person who is true to her word. *(In the course of the day, at least two examples of her integrity on this subject emerged: commitment (not codified in law or contract) to the conservationists who helped buy Catellus lands, and to the Glamis stakeholders to whom she committed to leave the south end of the dunes for them.)*

**Side Note:** We need some kind of designation that will stand the test of time, but NOT “Wilderness”, when the time comes when Senator Feinstein is no longer in the Senate protecting the Catellus commitments.

*(Walters Camp Area Stakeholders Meeting / MINUTES, Friday, May 15, 2009)*

The “Catellus commitments” that Matt mentions in his side note refers to the railroad lands that had been purchased by The Wildlands Conservancy and donated to the federal government. These railroad lands were scattered throughout the desert region, and Senator Feinstein had been instrumental in the acquisition of them. I explain the significance of the Catellus lands in the next chapter.

Ryan spoke next. He provided a brief history of the Catellus land acquisition accompanied by a map showing the overlap of purchased and donated lands over the proposed wilderness areas (Figure 18). He also explained the definition of wilderness. Ryan pointed out that the CWC and James could not go on a tour of the routes that were not currently legal according to NECO. He also acknowledged that route accuracy was a problem all over federal lands. He explained that while wilderness is the most restrictive
designation on public lands offering the greatest amount of protection, that many recognize the need to access some places using motor vehicles and that routes are a part of many wilderness areas. These routes are “cherrystemmed” meaning they are like thin “stems” that are cut out of the wilderness designation allowing for vehicles to drive on them. Ryan also listed other threats to the area including mining, renewable energy development, and transmission lines.

Supervisor Leimgruber stated that he supported the use of the area for recreation and that all the Imperial County Supervisors were of one mind. Matt then gave an overview of the established routes in the area. Many in the audience added additional comments on the history of the routes in the area. There was quite a bit of discussion on the historic Draper Cabin and the routes used to access it, which are not considered legal per NECO. According to the Walter’s Camp people, these are some of the oldest routes in the area. Matt spoke about a whole network of routes that would be closed if this legislation was introduced and passed. They admitted that some of the routes were illegal but that they did not know they were illegal and they had been using them for decades. Signs weren’t posted and there was never a BLM ranger in the area to tell them otherwise. The BLM ranger admitted that the BLM was understaffed, and there had not been a whole lot of work done here. Matt painted a picture of this little community spending their vacations here and jeeping through the area exploring its beauty and history. He said they made sure they were not ruining any resources or causing any destruction, and they cleaned up after themselves and after others who may be traveling through.
There was a discussion about the process for legitimizing the currently illegal routes that are well traveled. David Hubbard, the attorney for ORBA and other off-road groups explained how difficult it would be to change NECO and that the process could take years. James pointed out that the federal statute would trump NECO. Ryan commented that many conservation organizations and Democratic committee staff of the Energy and Natural Resources Committee often view “cherry-stemming” negatively. Cherry-stemming everything would be an obstacle if that is what people from Walter’s Camp were advocating.

The Walter’s Camp stakeholders were worried about wind and solar development, mining, or other possible threats to their recreational activities in the future. They were also worried that now it was being publicly acknowledged that many of these routes were illegal, so technically they could not drive on them anymore. Maybe it would only be months now before BLM would put up the signs and start patrolling the area. On the other hand, they never really admitted that they were illegal by continuously explaining that they were historically ridden on so that made them legitimate. In fact, in Matt’s minutes of the meeting, every time he writes “illegal” routes he includes quotation marks around the word. Nevertheless, they did not want a wilderness designation, but they did not want us to walk away either. Threats of future route closures, renewable projects and more transmission lines were worrisome to them.

There was further discussion about possible trade-offs. We did not want to lose everything in Imperial County, so we were willing to negotiate. However, if we were
going to negotiate we also wanted Walter’s Camp to support the legislation once it was introduced. Then it was time for the tour, though Ryan, James, and the BLM ranger made it very clear that there would be no travel on illegal routes in their presence or by them. This seemed to pose a challenge for our tour guides. How were they going to show us all the routes if we could not go on more than half of them? Matt and another Walter’s Camp resident, Robert Cox, revised the jeep tour route. The revised tour was to provide as much visibility as possible to support the legitimacy of the existing roads and routes, legal or not, per the NECO BLM inventory.

We set out, splitting ourselves among various jeeps owned by the Walter’s Camp folks. James, David Hubbard, and I were in Matt’s jeep. The long caravan wound its way through the proposed Vinagre Wash potential wilderness area staying on legal routes and stopping at the trailheads of some illegal ones. The temperature was quickly creeping up as we bumped along the rough terrain until we finally got to a vista point that allowed us to get out of the jeeps and look out at the network of routes below us. What we saw was a huge surprise. As we stood at the top of this large hill we could see the scars of dozens of trails that looked like someone had thrown spaghetti across the land. Clearly we had messed up. This was not wilderness quality even if we wanted to give it that designation. This also failed Ryan’s “Sacramento Bee test” - If this picture ended up on the front page of the Sacramento Bee (or any newspaper) with a caption that read “Senator Feinstein’s Wilderness”, would we be embarrassed? This was a huge yes!
Figure 19: Stopping to look at routes.

Figure 20: Field checking with the folks from Walter's Camp.
Throughout the tour, James, David, Matt, and I discussed possible designations other than wilderness that would still prevent development. Basically, Ryan and I knew that we would lose everything down here if we just simply walked away. This was something that many other conservation groups did not understand and even if they did, they thought it would be better to get nothing than to make a compromise. James wanted to find a designation that would help the Walter’s Camp folks legalize their routes, and the CWC did not want to lose everything. Walter’s Camp also did not want us to walk away.

We ended up back at Matt’s house a few hours later, hot, tired, and embarrassed. Ryan spoke to the group first. “We made a mistake,” he said. It was that simple. We had made a mistake. We relied on our volunteers and had not double-checked their work. Whether they had not seen this area or assumed that most of these routes were illegal so they left them off the maps, we do not know. In the end it was our embarrassment and our problem. We did know that this was not going to get a wilderness designation. The people from Walter’s Camp appreciated our integrity and that we admitted our oversight. They were actually surprised that we did admit that we had made a mistake. This is Matt’s interpretation of the debriefing after the tour.

**DEBRIEFING AFTER THE JEEP TOUR**

*(Summarized)*

- All of our guests were tremendously appreciative of the professionalism of our community, the community esprit d’corps, the preparedness and organization, the hospitality, etc.
• In James Peterson’s closing comments, he mentioned that in the past two years of meeting with communities, this was the best organized, represented, and well behaved meeting so far. He mentioned that if others were like this, reaching agreements would be much easier for all involved.

• Ryan Henson showed fabulous integrity when he acknowledged that he was in charge of the verification of routes on the ground by using volunteers and some paid folks – and after what he saw during the jeep tour, they (CWC) were just wrong in regards to this area and that there were many well established routes of which they were previously unaware. The parties agreed that these well traveled routes would still be clearly visible for 50 years or more, even if they were never traveled again. He said if they knew previously what they saw today, they would never had recommended our area for wilderness designation - that we have our primary routes in the three large southeast areas on the map. Monica Argandona (CWC) agreed.  

Walters Camp Area Stakeholders Meeting / MINUTES, Friday, May 15, 2009

Figure 21: Debriefing after the field checking tour.
Matt has had a second home in Walter’s Camp for eleven years and I asked him in an interview in August 2011 how he had first heard about the proposed bill and his thoughts on this meeting. He said that one of his neighbors had had too many beers one night and let it slip that he was involved in a desert bill, so he did an internet search and found information about it online including maps. It took them a while to figure out whom to contact for more information, but eventually got a hold of Meg and she told them to call me at CWC. He said his initial reaction to the proposal was “hell no and that’s putting it mildly.” He was also angry that a letter had been sent from the TLC in support of the bill without anyone else knowing about it. He explained,

The initial reaction was a bit of outrage because you saw the network of trails that are out there. So yes the initial reaction was ‘this isn’t right’ and then it took a good three months I think before we finally made our way to you. Trying to contact the off road associations, it took a while to make that connection. I think I didn’t contact you right away when Meg said so because I didn’t know who Meg was, and I didn’t know if I could trust her even though she was, you know its just contacting all those people for the first time and never having any contact with them. First reaction from most of them was hey come join us. No, no I’m looking for help from you. It’s the other way around. So it took a while to get through all that… and then we met at Meg’s house. I sent an email to all the homeowners and said I need six, seven other people to work on this with me cause there’s no way any of us are going to be available all the time, so I think you met Kevin McCarthy that day. He’s really hard to be involved because he works out of town so much. You met Janice and Joel, and I was there.

Harry Baker was also at this meeting that Matt mentions above along with John Stewart, who is part of Cal 4WD and a huge opponent of the CDPA ’94. I asked Matt if he had contacted the Senator’s office, and he said yes, they started writing letters, which
seemed to get the attention of James and us. I asked him what he wanted to see done?

Did he want to see the whole thing squashed or did he want to work with us?

Well not initially to squash it. None of us had ever been involved to any real extent, and the people who were still around, Don Whitacre was one of them, that was involved to whatever extent back in ’94. He’s obviously got some pretty bitter feeling about how it went to this day. He doesn’t feel they were done right. That’s a long time ago, and I don’t know to what extent his involvement was. He could have been a local bystander. So I mean initially we met you at Meg’s and we laid out those trails, and you said you needed to go out there and look at it…

I mean honestly I was not happy with Meg’s meeting. I wasn’t super pleased to be approached by Harry and John. You know I thought they wanted to come here to help us look at this and they just [went] on about other stuff. [I] didn’t feel like it was productive at all, so I think that maybe kind of set the tone a little bit. And I think you can probably tell at that point we’re not going to be that way, not yet anyway. See then we had the big meeting out there. We had 85 people out there and I set up all the maps and all that stuff.

I asked him about his expectations of the meeting.

It went way better than I thought. I mean it seemed pretty conclusive before we even left the table to go look at anything that you guys were definitely open to making some adjustments and allowing the trails…because all the maps we put up showing the stuff that’s out there and then going out there and seeing yeah, it’s actually there and it’s been there for a long, long time. So yes the residents were happy. There’s a couple who as always are going to want more, or some of the old timers that say oh just go away, it’s not going to happen…So I think everybody from that point forward was on guard. I mean I’ll tell you I was on guard. I mean heck, I even had people from politicians’ offices say you can’t trust this guy, you can’t trust that guy. You guys are supposed to be on the same side.
I also asked Matt why they just didn’t oppose the whole thing? Why were they willing to negotiate especially if so many people are telling them not to trust us?

Because [opposing] hadn’t worked in the past. But we don’t have the numbers. We don’t have the numbers the environmental community has or the political strength that they have. The pro-access side is getting more organized and along with that they’re starting to educate people who haven’t had any real education before. I’ve seen a big change just in the how many years now we’ve been working on this. Two isn’t it?

None of us felt like it was going to work and the fact that after that meeting, from James on down, you guys were open. We talked after all you guys left those who were remaining and everybody agreed we can go forward and try to work it out as best we could.

After this meeting, Ryan and I started to work on compromises that could make this work, but first we had another field trip to these areas with Congressman Filner. Ryan mentioned that Congressman Filner would be visiting the area on May 29th and invited Matt to attend. Matt agreed. Over the next few months, we would spend hours trying to work out a compromise that was not just acceptable to CWC and Walter’s Camp but also to Committee staff and the other conservation groups in our coalition. But before the May 29th meeting, another stakeholder became more vocal, the Quechan Tribe.

The Fort Yuma-Quechan Reservation is home to the Quechan Indian Tribe. It is located west of the Colorado River and lies on the borders of Arizona, California, and Mexico. The Quechan opened the Paradise Casino, located in Yuma, Arizona on August 5, 1996. In December 2002, the Tribe opened a Paradise Casino California right across the Arizona state line in Fort Yuma, California. In addition to the casino, the tribe also operates trailer and RV parks, a museum, and a grocery store, and they lease 700 acres to
non-tribal members. Courtney Coyle is a well-known lawyer representing the interests of many California tribes. She was also once a member of the CWC and hosted a fundraising event at her home. I had met her in May 2007 on a major donor tour with one of the CWC’s former board members. I had not any other contact with her since that meeting until she called me in May 2009. Her call was in the interest of the Quechan Tribe and she was asking questions about the proposed wilderness areas in Imperial County. The Tribe had been fighting a gold mining operation in the area for years and the area was rich in cultural resources. Courtney lectured me along the lines that the CWC and I were the “father white man telling the Natives what was good for them.” I explained that we had had conversations with members of the Tribe, and she explained to me that I had not been talking to the “right people.” She said I should talk to Bridget Nash-Chrabascz, the Quechan Tribe Historic Preservation Officer (TPO).

Our organizer, Ashmi, had made a presentation to the Quechan Tribe in March, and we had been working closely with a couple of members, Ila Dunzweiler and Preston Arroweed, before that. In fact, we had been working with tribal members since December 11, 2008, and Ila had joined us for a San Francisco meeting with Senator Feinstein on April 6, 2009. Both Ila and Preston had written letters of support. Courtney wanted to know why the Quechan had not been invited to the May 15 meeting with Walter’s Camp. I explained to her that we were trying to work something out with Walter’s Camp and did not realize that the Quechan would have interest in that particular area or issue. I apologized for the oversight and invited her to the May 29th meeting with Congressman Filner. I also sent Bridget this e-mail on May 20, 2009:
Hi Bridget,

We had a meeting with the residents of Walter's Camp last week and they have expressed concern about a bunch of illegal routes that they use being included in wilderness. While we do not want to reward illegal behavior, this area is so carved up it would be an embarrassment to include it as wilderness. I wanted to send you the map so you could look at the areas they are using and let me know if these areas have any significance for the tribe or if you have any other concerns. Thanks so much for your input. If you have any questions, please call me on my cell phone.

Monica

Bridget replied and told me that these were indeed very important areas to the Tribe and they contained trail segments, lithic scatters, sleeping circles, and rock rings. She mentioned that there had also been some intaglios but they had been destroyed by OHV use. She said she hoped we could discuss the boundaries and to please keep in mind the strong connection the Tribe has to the area.

I did not attend the May 29th meeting with the Congressman, so I cannot speak firsthand as to what happened. The Walter’s Camp stakeholders arranged a good tour for the Congressman. Bridget Nash, representing the Quechan attended the meeting. According to Laurel, Bridget kept explaining that the area was full of significance for the Tribe and there were numerous sacred places and artifacts located throughout. Laurel reported that the Walter’s Camp people were not supportive and put the burden of proof on to Bridget. They wanted to know where exactly everything was and Bridget explained to them that the Tribe did not like to reveal such things because of the risk of vandalism and theft. She also argued that they did not need to point exact locations; the whole area was sacred and significant and that should be honored. The people from Walter’s Camp had argued about the historical nature of their routes as a reason to legitimize them, yet
they were not willing to consider the historical significance of Tribal artifacts. Later the CWC would be accused of fawning all over the Walter’s Camp residents. Ultimately, Congressman Filner would support the legislation. However, the Quechan issues and the Walter’s Camp issues still needed to be resolved.

E-mails continued back and forth between Bridget, Courtney, and the CWC. On May 14, 2009, Courtney e-mailed James and me letting us know that a letter had been faxed to us expressing the Quechan’s support for expanding the proposed wilderness additions near the Quechan Tribe’s sacred areas at Indian Pass. This particular area had been part of a gold mining operation. According to Courtney:

During the Clinton Administration, the area including the mine site was withdrawn from mineral entry for 20 years (we probably have roughly 10 years left) and of course, this could not affect any valid existing prior rights. After the administration change, the Bush administration DOI found the claims valid. However, if the NAFTA awards finds the claims have been taken by regulatory action and Glamis (now GoldCorp) is awarded monetary compensation, then the claims would be relinquished. (The award could be out this summer, but there are no guarantees of when or what the Tribunal will decide).

Otherwise, assuming Glamis continues to pay the claim fees and the validity exams sticks, then Glamis would have valid existing rights. The issue can be somewhat complex, including Glamis’ intentions (they say they just want some money for their trouble, not a gold mine anymore) so if it’s better to have a conversation around it, let me know. I certainly don’t want the mine issue to preclude the expansion of the wilderness, which should have been put in wilderness many years ago, and might have been, if those pushing for the wilderness designation had engaged the tribes. Finally, the area with claims is a subset of the area we mapped out for you – not the entire area. Hope this helps answer your questions.

(E-mail from Courtney to me dated May 26, 2009)
In e-mail later that day, Courtney also sent me a to-do list as she and Bridget prepared for the meeting on the 29th with Filner and Walter’s Camp. On that list she wrote, “CWC will get me the revised proposed additions map including the tribally proposed areas to the south, around Indian Pass Road by Friday. I will call [James] Peterson ASAP to underscore the value of the Indian Pass area additions to him, and can augment with the Walter’s Camp additions once I receive the information from Bridget” (e-mail dated May 26, 2009). There was never a question in Courtney’s mind that we would not consider expanding the wilderness area.

After the May 29th meeting, we continued to work with the Tribe and try to get the additions they wanted added to the bill. We asked to have a conference call with them to discuss the meeting and possible strategies. Feinstein’s office already felt that the bill was too big and had concerns about making it any bigger. I had a meeting with Senator Boxer’s staff and mentioned the tribal concerns. Eventually Feinstein would want Boxer’s support, so if Feinstein wasn’t willing to include these additions, Boxer might be willing to ask her to add them in order for her (Boxer’s) support. On June 3, 2009 I sent an e-mail to Courtney and Bridget to express my strategy:

Courtney & Bridget,

Here is a draft map. Does the purple line incorporate the most sensitive areas? If not, how should we change it?

Step #1 is to identify the area we should focus on, step #2 is to discuss the best legislative tools we should use to protect the area’s cultural values and then step #3 is to develop and implement an aggressive campaign to get the area the protection it deserves.
I spoke with Tom Bohigian (Boxer’s State Dir) and he was interested in learning more info. I explained to him the situation and promised I would get him a map. I think if we can get Boxer and Filner on board, and we could get them to introduce something, we could possibly get this added on to a Feinstein bill, maybe. It is worth a try and we are more than happy to help with that campaign.

Monica

(E-mail dated June 3, 2009)

Figure 22: Map of additions requested by the Quechan.

Clearly, the CWC’s mission is to get wilderness designated so we were more than willing to help the Tribe with this campaign, but we were not willing to compromise everything so we got nothing, and we would not be able to do this without some work.
from the Tribe themselves. In the meantime, Ryan and I and Matt and Janice representing Walter’s Camp were working on a compromise for the Vinagre Wash area. The Tribe was not happy that we were willing to compromise with the folks from Walter’s Camp at all and they did not like any of our possible new proposals. On June 4, Bridget sent me an email:

Good morning –

I met with the Cultural Committee yesterday to discuss the changes in the original Wilderness proposal and they were extremely disappointed. At this time they have requested that letters removing their support of the proposal be sent this afternoon if we are unable to come to an understanding. They do not want their original support letter used for this proposal as they did not write the letter of support for this proposal and they do not support it as it is now.

Please call me at your earliest convenience. If I haven’t heard anything by 10:00am I will begin writing the requested letters on behalf of the Committee. Thank you for your time in this matter.

Bridget R. Nash-Chrabascz

(E-mail to me dated June 4, 2009)

We did not come to an understanding by the 10:00 a.m. deadline Bridget set. In the meantime, we continued to work out the Walter’s Camp problem.

Ryan came up with the idea of a Special Management Area (SMA) for the part of the proposal affected by the Walter’s Camp routes. There are no special rules or statutes to a SMA like there is for a wilderness designation. A SMA is how it is defined in the language of the legislation. For the purposes of a SMA for Vinagre Wash, we would have to work out route designation while prohibiting any other
development in the area. If we could agree on the route designation, then the CWC and Walter’s Camp would have a deal. The challenge would be agreeing on what routes remained open and which should be closed. While researching the current legal routes under NECO, we made another discovery. All washes within NECO were legally open. This meant that a lot of the routes that the Walter’s Camp folks were using were legal because they were the washes. I let Courtney and Bridget know this and Ryan followed-up with another e-mail. He wrote:

I was too depressed to report this earlier…

Literally every wash between the highway and the river is legally open to vehicles. I’ve never heard of such an outrageous thing. It took senior BLM staff in Sacramento three days to figure this out, but it’s official. We need to think about this shocking revelation for a few days. (E-mail dated June 5, 2009)

Then another turn of events occurred. The open washes in NECO were being challenged by the CBD in a lawsuit that also challenged the route designation in WEMO. CWC was part of this lawsuit but not the part that was challenging the NECO washes. The case had already been heard and the plaintiffs were waiting for the ruling, a ruling that could possibly close all the washes in NECO. Now the Walter’s Camp people had even more to gain by working with us to find a compromise in the route designation. If they did not decide to work with us, we could have walked away from everything and let the courts do their job. Ryan and I continued to work with Matt and Janice. They were asking for a tremendous amount
of routes to stay open within the SMA. Actually they were asking for all of them (Figure 23). This was never going to fly. I sent an e-mail to Janice and Matt.

Janice and Matt,

We talked to some members of our coalition (the most reasonable members) and to James at length this evening and we just can't get past the issue of the NECO routes and your proposed connectors. James said, for example, that he couldn't recommend to the Senator that she officially sanction currently illegal routes like the connectors, nor would he be willing to recommend that every route currently open under NECO get enshrined into law. Our coalition partners wouldn't accept such a deal either.

What if we dropped everything but the heavily modified proposed wilderness boundaries that we've been working on for the last few days with Matt? As you know, we have eliminated all overlap between our proposals and your favorite routes. We would basically just walk away from the proposed SMA. If we did this, would you be willing to support or at least be neutral for what remains of our wilderness proposals?

We've put so much thought into the proposed SMA that it would be tough to abandon it, but it is so complex and potentially controversial that we're probably better off dropping it. James has offered to host a conf call tomorrow if necessary. Please let us know what you think.

Ryan and Monica

(E-mail dated June 25, 2009)

Matt and Janice were not happy. They wanted protection and a way to legalize these routes. CWC giving up on the SMA was not an option for them. Matt sent Ryan an e-mail and was very irate. Ryan wrote another e-mail back to them:

Well, we've got each other in a standoff. The CWC can't get our wilderness areas unless we protect your vehicle routes from future management changes. On the other hand, according to our allies that we spoke with tonight we can't sanction all of your routes because NECO just went way too far. So in my view that narrows our scope to finding some happy medium of routes that can provide you with a guarantee of ample
access while not freaking our side out. If we can't find this happy medium then the CWC will get nothing and your routes will be left to the tender mercies of CBD and other enviros, the Quechan Tribe, future decisions of the BLM, etc. So, here's a stab at finding a happy medium...

What if the legislation sanctioned the vehicle routes in the proposed Special Management Area (I outlined it in black) shown in forest green and red on the attached BLM map? [Figure 23] Maybe a couple more too if you think they are really essential. That means that the green and red routes would be locked in as a matter of law, while the zillion other routes open under NECO would remain open until NECO is revised or until a court shuts them down. This is just one idea that is between everything or nothing. We can chat about this and other ideas in the morning with James.

(E-mail dated June 26, 2009, from Ryan Henson to Matt, Janice, and me)
Figure 23

Map adapted by Ryan Henson of the CWC on 4/23/09 from a map prepared by Matthew Henkel on 4/15/09.

RELATIONSHIP BETWEEN LEGAL AND ILLEGAL* VEHICLE ROUTES AND THE PROPOSED WILDERNESS AREAS IN THE MILPITAS WASH/VINAGRE WASH/PALO VERDE MOUNTAINS/INDIAN PASS REGION

- Areas in Black: Wilderness Proposals
- Red and Purple Lines: Vehicle Routes
- Blue Dotted Lines: Legally* Open Vehicle Routes within the Proposed Wilderness Areas (These Would Be Closed)
- Yellow Lines: Illegal* Vehicle Routes within the Proposed Wilderness Areas (These Are Already Closed to Public Use)

* The BLM determined which routes were legal and illegal in the Northern and Eastern Colorado Desert Coordinated Management Plan (NECDO) that was approved on 12/19/02. Legal and illegal routes are displayed on NECDO Map 2-32. NECDO can be accessed at http://www.blm.gov/co/h2o/ro/desert/NECDO.html
In the meantime, Laurel and I had a meeting with the Quechan Cultural Resource Committee. Bridget was at the meeting along with several Tribal members. They were cordial but also visibly irritated with us. They asked why we had not involved them sooner, and we said that Ashmi had given them a presentation in March. They said that she spoke too fast and they did not understand what she was talking about. We also said that we had been working with Ila and Preston. They told us that they were not the appropriate people to discuss issues like this. They reiterated their support for an expansion to the Indian Pass proposed additions and their disappointment in our working with Walter’s Camp. We explained that we would lose our entire proposal if we did not work with Walter’s Camp but that was not to their satisfaction. We also explained what they needed to do to help encourage the Senator to include the area south of Indian Pass that they wanted. We told them to start writing letters and that Walter’s Camp had done that and it really got the attention of the Senator’s staff. They seemed reluctant to do anything special. In fact, they had the attitude that because they wanted it, it should be included. We also explained to them that ultimately it was the Senator’s decision. Of course we would like to have more wilderness, but the Senator was hesitant about the amount of wilderness in the bill currently. It was not a successful meeting by any means, but we felt we had done our job by going down there and briefing them in person and answering their questions.

Things were going well with Matt and Janice. After numerous conference calls, e-mails, and a few in-person meetings, it looked like we had finally reached an agreement. Each Wednesday, the CWC hosted a conference call to discuss updates on
the desert campaign. Attendees included our coalition partners, desert activists, and various other people who became involved at different periods of time. We sent out notes to everyone on our call list even if they did not participate in that particular call. Bridget and Courtney had asked to be included in our call list. On June 24, 2009 we had a call and I gave an update on happenings in Imperial County. These are the notes from that update that were sent to everyone on the call list:

III. Imperial

* Walter’s Camp

- Update and next steps: Residents have indicated that they are close to being comfortable with our revised proposal that “closes” all but a few of the washes that are currently legally open under NECO.

- Walter’s camp folks and us were invited to do a presentation to the county supervisors (not while they are in session), we are waiting for a date for this meeting.

  o Craig, Terry W., Bridget, Gary Niles will be doing some field checking of Quechan cultural areas in and around Vinagre Wash and Indian Pass.
  o Organizing updates: town hall meeting conference call with Bob Filner and constituents, clean air initiative meeting, chamber meeting (From Desert Call notes dated June 24, 2009)

Bridget replied back the next day:

As the Tribe is invested in this area, I suggest we be allowed to make a presentation as well. And, I would like the statement about us doing field-checking stricken as this is not correct. Please check with me about any questions you may have about the Tribe’s activities.

(E-mail to Laurel, Ryan, Courtney and me dated June 25, 2009)
I replied back to Bridget that we had gotten the information from Terry, a long time desert activist who worked for the Desert Protective Council (DPC) in Imperial County. I also told her that if she joined our calls, she was more than welcome to give an update.

We finally worked out an agreement with Walter’s Camp that everyone seemed to accept. It legalized illegal routes while closing miles of additional illegal routes including many of the washes that were legal. The ruling had come in regarding the CBD lawsuit concerning the washes and the judge ruled that they would stay open to vehicle use. As Janice said, “We didn’t get everything we wanted and they [CWC] didn’t get everything they wanted, but we worked together on something that we could both live with.” In my interview with Matt, I asked him what he thought of the compromises we had made and if he was happy with the final maps (Figures 24 and 25).

Not completely but happy enough. That’s what compromise is about though…[T]here were points when we were negotiating trails and I definitely thought it was going to flip to total opposition.

I asked Matt what kept him in the negotiating process. He replied immediately, “James.”

I think as matter of fact it was you and me on a conference call. We got into it and James brought it back down. So James for that question. I trusted him, especially at that point, because he didn’t flip to either side. He just brought it back down, and I felt that was reasonable. We didn’t get everything we were asking for at that point, but we didn’t get nothing either. So okay compromise, same old word, but his ability to just bring us all back - he’s just got that ability to just get you back to where you’re talking and thinking again instead of getting emotional and getting upset, because that doesn’t work on either side.
Figure 24
For the most part, Matt said he trusted CWC and believed that from everything he had seen from James and the Senator’s office that she would keep her word and stick to the compromises we had agreed upon. The OHV groups had not really come through for him. Some had promised to help with maps and help contact other people, and he said they never followed through. He also thought it would not be beyond the realm of possibility that the Quechan embellish on the cultural resources that were out there in order to get what they wanted. In general, he was not opposed to the idea of wilderness, but did believe there was overreaching on the part of the environmental community at times. Overall, most people in Walter’s Camp were okay with the deal we had struck and wanted to see the bill passed. Others were still not happy. The Tribe still had serious
issues, as did others in Imperial County, and some of our coalition partners made it clear that they would not support the SMA even if it meant losing all the wilderness areas in Imperial County.

Terry works with DPC, and DPC granted us some funds that helped pay for our organizer in Imperial County. During the time of negotiation with Walter’s Camp and the Quechan, Terry made some very harsh accusations against the CWC via e-mail. She accused us of keeping secrets from our coalition partners and negotiating privately with the off-road groups. The interesting part is that she gave us so much more power than we had. We weren’t negotiating secretly, though in many ways we were not always being inclusive either. To put it bluntly, we did the on the ground work with local stakeholders by ourselves, because we were by ourselves. The Wilderness Society and Sierra Club are so far removed. The local Sierra Club volunteer groups, namely the desert group, included members that had been advising and helping us but we did not rely on them solely for our decision making. In the end, it was not them that would decide on the endorsement of the bill. It was the paid staff in the big offices. The CWC was nimble, local, and trying to build relationships. Probably the most important relationship was with the Senator’s staff. We made ourselves available to them at all hours of the day or night, we were reasonable and willing to compromise, and they trusted and liked us. Terry was not correct in that we were keeping people out of negotiations, but we lost our funding from DPC for an organizer anyway and were chastised for compromising overall.
I met with Terry in August 2011 to discuss what happened in Imperial County and her views of the CWC. I started by asking her what her involvement had been in the bill.

I was invited or somehow involved in the coalition by choice. I wanted to help with this bill and at some point you or Ryan convened weekly wilderness bill phone calls to describe what the plan was, and I was religious about being on those calls, and when I wasn’t involved in, and it may be because I wasn’t proactive enough, I wanted to be involved in crafting of the Imperial county wilderness portion of it. Now I know that Craig Deutsche from the desert committee went out scouting the desert. I seemed to always hear about them the day before or after the field trips happened. I never said so and so should have called me, because I always felt that if I am interested or involved in it I need to reach out, but I didn’t to be quite honest…I would have liked to gone out to see what was being proposed… because I think the wilderness coalition they didn’t know Imperial county from their elbow in my opinion. Unless you lived there I mean. I don’t know it as well as I certify or lived there either. The strategy didn’t include enough stakeholders. I guess in the process of crafting that portion of the bill or maybe other parts either, I’m not sure how it went on other parts of the desert, I didn’t have the luxury to consider that, although I heard a lot of the grumbling that this was all presented to them and not given to them for input. So I spent a lot of time that summer about three years ago when CWC had that meeting with James Peterson in Los Angeles in July, and we spent a lot of time going over the different sections of the bill, and I liked that part because the coalition that was involved, including me, was able to submit our comments.

As they were preparing to introduce the bill, James held at a meeting at the Los Angeles office with all the environmental groups – some of whom had been deeply involved in the process and others that had no direct involvement whatsoever but were important enough because of either size or influence, such as the Natural Resources Defense Council (NRDC) and Defenders of Wildlife. I will discuss this meeting and the comments the groups submitted in more detail in the next chapter. Terry and the DPC
had been one of our most vocal opponents against the compromises we had made in Imperial County and during this interview I wanted to understand why. I asked Terry what she would have done differently in Imperial County.

I am really pleased that some of those areas have been chosen. I’ve since become familiar with them by going out there. The way of engaging Imperial County people I would have changed. If I was CWC, I would have worked harder to find out who to talk to in Imperial County to get more people’s support. The people that CWC hired were excellent women but didn’t know Imperial County very well. Either they weren’t politically savvy. They did a really good job but they weren’t connected. The point is that if more outreach had been done to the other segments of the community, besides say a limited group in the Walter’s Camp area, it would have been beneficial because maybe the Indian pass proposal additions would not have been the way it came out. If the legislation goes forward it would be really hard to change the wording on the Imperial county parts of the bill, particularly the Indian pass additions. I know there’s two different sides on it but it seems that there wasn’t enough savvy to know how to really engage the Quechan tribe. No they don’t respond to emails and phone calls, and sometimes they don’t show up at meetings. I know how it is. They felt that they didn’t have their chance for adequate input, and I don’t feel they did either. I’m concerned about that portion of the bill, the trade-offs… If I ever have a personal talk with [Senator Feinstein] or James Peterson, the idea that in very, very intensely conservative counties that you have to get the support of the board of supervisors who have no jurisdiction is wrong, and it doesn’t serve the community as a whole especially when the off-road vehicle people have such clout with the Board of Supervisors. So I feel like it was flawed. It was a strategy that was flawed in Imperial County partly because there wasn’t enough outreach done to people who might be able to help engage other members of the community. The Supervisors only took the input from one small community bearing in mind that Indian Pass, Palo Verde, and that area down by the Colorado River is their backyard. It’s public land. It’s owned by everybody, but they were the ones to call the shots. I think it’s deplorable.
I had met with Terry on October 7, 2008 in San Diego to discuss who she thought we should do outreach to in Imperial County. This was well before we had any communication with the Walter’s Camp folks. According to my notes, she said she would reach out to Bridget of the Quechan Tribe and gave me the names of several other tribal members for me to contact. She gave me the name of about twelve people or organizations, several of whom she would do outreach to. It was also one of her contacts that recommended one of the organizers we hired in Imperial County, and her organization, DPC, who funded the position. Both organizers we hired grew up in Imperial County and had families and relationships in the area. They were not outsiders. It was not that we did not contact the Quechan; we were accused of not talking to the “right” people. I pointed this all out to Terry, but she had her own perception of events.

I think the problem was that you know people didn’t feel that they were confronted enough. I mean maybe it wasn’t made clear to everybody. I mean not just the tribes, but other conservation groups who didn’t like how that went… The way we perceived it is that you were having these meetings with various constituents and [the conservation groups and stakeholders] hadn’t been invited, and you’re doing these behind doors negotiations. We might have even said, ‘That’s fine. Thanks for telling us.’ But we only found out about these things after the fact. I was outraged… it wasn’t the right routes for them to continue using although off-roaders are notorious for making claim to land because they’ve done this. They completely usurped an acquisition of the desert state park by saying we’ve been using this land for 30 years. It’s like, oh they damage it so much, well we should give it to them. Be that as it may, maybe the routes they had made sense than all the others ones. NECO is a mess. So the reality is that maybe that’s not so bad, but it was how they were allowed to even railroad to the point that it will be a new special management area and there should be no management plan.

Terry also talked about Gary and the rest of the Walter’s Camp residence.
[There] was the fiasco with one of the residence down there who didn’t particularly agree with the rest of the residents who basically would not prefer any wilderness anytime, and he spoke on behalf of some people that didn’t want to be spoken on behalf of, and he made a real problem for himself. He wanted to support the bill, but he got crucified for it because he hadn’t engaged in the proper negotiations, and he didn’t know about that either. He didn’t know he might have gone to some of those meetings, but it was made clear to him that he wasn’t invited or wasn’t welcome. Now he is in fear of leaving his property for very long. Have you seen the sign at Walter’s Camp that says, “Everybody welcome with the exception of Gary Niles?”

Terry viewed the deal with Navy SEALS as “practically the right thing to do.” She also referred to their training as “soft training” and rather see the SEALS hold on to the piece of land as potential wilderness as long as it kept out renewable energy development and OHV use. For the most part, Terry argued that CWC and TWS did things behind closed doors, did not do the proper outreach, listened to the wrong people, and gave in where we should not have. Terry and DPC were not the only unhappy ones. Some other conservation groups and individual activists started to accuse us of these shady, secretive deals, even though we had been transparent about almost everything on the desert calls. We also had to compromise. This was not going to be the CDPA ’94. This bill had to have concessions and had to include locals. We tried to work with the Quechan, but the more we compromised with Walter’s Camp, the more the Quechan distrusted and disliked us. That came to a head when I received a letter from the Quechan on July 15, 2009:

Dear Senator Feinstein,

On March 10, 2009, the Quechan Indian Tribe’s Cultural Committee sent a letter to you (attached) in support of the California Wilderness
Coalition’s (CWC) proposed expansion of the Indian Pass Wilderness area in Imperial County.

At that time, we were led to believe that the proposal included the area commonly known to the Tribe as “Indian Pass,” an area that we have been fighting for fifteen years to protect, situated south of the existing Indian Pass Wilderness. It has come to our attention, however, that the CWC did not include this tribally-important area in its original or revised proposals. As you are aware, this area is extremely sensitive and is connected to the resources located within existing Wilderness, as well as the current Wilderness proposal. It is worthy of enhanced protection.

We are extremely disappointed that the Tribe had been left out of the process of mapping the proposed Wilderness boundaries, drafting the language of the bill and all discussions pertaining to the Special Interest Area (SIA) designation.

To date, we have had two meetings with the CWC. The first was in March and initiated by them, apparently to acquire a letter of support from us, and the other was in June when we requested their presence to discuss the changes that were made to the proposal that was originally presented to us in March. In fact, in our June meeting we asked the CWC about the July 2\textsuperscript{nd} meeting with the Imperial County Board of Supervisor’s and were informed that the meeting had been cancelled. We also inquired about the draft language and were told that there was no language and if there were, they had not seen it. We were shocked to learn on July 1\textsuperscript{st} that the meeting was still continuing as scheduled and at a loss of words at the July 2\textsuperscript{nd} meeting when Monica Argandona, CWC representative, stated that they had been working with the residents of Walter’s Camp on the language for the proposed bill. It is unclear as to why the CWC has intentionally misled the Tribe and excluded us from trips into the field and meetings.

Despite the many opportunities given to the residents of Walter’s Camp to meet with government officials and to provide tours of the area while expressing their concerns, in detail, for the potential loss of their illegal recreation routes, the Tribe had not been given the same opportunity to demonstrate the valued cultural resources also at issue.

The area to the north of the existing Indian Pass Wilderness, including a one mile strip that was left out along the river, contains the Xam
Kwatcham trail, which begins at Avikwame in Nevada and ends near Avikwalal at the international-border, Intaglios, pot drops and other cultural resources affiliated with the Tribe are also present in this vulnerable area. The proposed bill has failed to take Tribal concerns into consideration. Due to the sensitivity of the area, the Cultural Committee cannot support legislation that would continue to allow off-road vehicles to further destroy the cultural resources affiliated with the Tribe.

We thank you for your time and look forward to continued discussion of this matter in more detail with your office and coming up with creative solutions that will better protect our Tribe’s irreplaceable cultural and spiritual resources in this part of the California desert.

Sincerely,

Pauline Jose, Cultural Committee Chair
Quechan Indian Tribe

(Letter dated July 3, 2009 and sent to Senator Feinstein, Senator Boxer, Congressman Filner, and me)

I quickly drafted a response back, copying Ryan, Laurel, and James, furious about being accused of intentionally misleading the Tribe:

Bridget and Courtney,

We just received a copy of the letter from the Quechan sent to Senator Feinstein that states CWC has been intentionally misleading the tribe. The accusations in the letter are incorrect.

First, when Laurel and I met with the tribe on June 26, the meeting with Imperial County that had been scheduled for June 24 was cancelled. I was unaware that a new meeting for July 2 had been scheduled. In fact, I e-mailed James Peterson on June 30 asking if there was going to be a meeting, and it was only then that I was informed of this new meeting time.

Second, Ryan sent draft language to Bridget and Courtney on June 3. I have the e-mail if you would like me to forward it to you. If I said anything about language, it was that we do not have a copy of the bill language, which we do not have nor have we ever had a copy of it.
Bridget and Courtney have also been invited to all of our desert organizing calls and have been sent copies of all the desert call notes for at least the past two and a half months. All of these issues – meetings, language, maps, etc are always discussed on these calls and written in notes.

Lastly, CWC has been in contact with tribal members since December 11, 2008. Ila Dunzweiler met with the Senator in person on April 6 at the invitation of CWC and at our expense.

CWC has never intentionally misled the tribe, and on the contrary has made every effort to work with them. It does not serve anyone’s purpose here to make false accusations.

If you have any other questions or concerns, please contact me.

Monica

(E-mail dated July 15, 2009)

No one from the Tribe responded back to me. James wrote an e-mail to me to hold it together. Ryan responded back, “Yes, but they’ve gone straight for our throat and we have a right to defend ourselves” (e-mail to James, Laurel, and me dated July 15, 2009).

The bill was finally introduced in December 2009 (Figure 26), but not without controversy, hours and hours of discussion, and more contention. I discuss that further in the next chapter. In the meantime, once the bill was introduced we needed to hit the road running to build our support list. Imperial County was still a target.

On March 17, 2010 Supervisor Leimgruber held a meeting to discuss the bill that included residents from Imperial County, Leon Lessika who is a member of the hunting group Ducks Unlimited, Walter’s Camp residents, Quechan tribal members, the CWC, and Bob Hamm.
James and I had met with Leon in 2008 at his home. He is a lifelong resident of Imperial County, very politically active, and well known in the community. As we sat in Leon’s dining room eating apple cake that his wife made for us, we were being eyed by the dozens of animals mounted on his walls—everything from deer to bighorn to mountain lions. He spent a good portion of the time showing us photo albums of all the guzzlers (also known as drinkers) that he had installed throughout the county, including some within our proposed wilderness areas. Hunters explain that they are helping to maintain the wildlife by providing a steady supply of water. The benefits to wildlife are debatable. He was a huge opponent of the CDPA ’94 and told us politely with a smile that he would never support this current proposal. In the 1994 bill, special language was included, much to the dismay of wilderness advocates that allowed for administrative access to the guzzlers. Allowing access for the hunters would not be an issue. We had worked with another hunting group, The Society for the Conservation of Big Horn Sheep, who liked the idea of administrative access only because they did not want everyone to have access to the guzzlers due to vandalism. Leon would have none of that. He just did not want more wildernesses. According to him (and we heard it from others too) allegedly the Senator had promised she would never do another wilderness bill after the CDPA ‘94. Whether she really promised this (Harry Baker said he was at the Biltmore Hotel in Los Angeles when she said it in front of a room full of people) or it was urban legend, we often heard this from staunch opponents as a reason to not support this second round of legislation.
The meeting at the County did not go well. We were not sure where most of these people were from or what groups they were affiliated with, but they certainly were not supportive of the proposed legislation. Leon was clear about his issues with the bill and concerned that not only routes to the guzzlers would be closed but also other routes that he used. He was getting on in age and was not able to hike or walk around. For him, closing off routes in his backyard was unfair and a travesty. He also did not believe any of the areas in Imperial County were worthy of wilderness designation. Matt and Janice from Walter’s Camp were a little agitated as they felt that they had worked really hard on compromising, and if all these people stirred things up because they did not want to work with us, would that mean the whole proposal would be lost. Matt commented that he had gone knocking on all the doors in the Milpitas Wash area to get input from the residents, and no one was willing to work with him. Preston Arroweed of the Quechan Tribe went on for a while about the cultural resources always being lost and how the Tribes continuously lose. We had already received a letter of support from Preston.

Essentially a large, vocal group said that we had left out routes in the Milpitas area. We asked them to provide the maps and the meeting ended at that. To date, they have never provided maps. According to Bob Hamm, they are afraid to share their routes with people and they should not have to. At the end of the meeting, Laurel and I handed Supervisor Leimgruber a stack of about 300 letters of support from people in Imperial County. He commended us for having done our homework and despite of the meeting, said he would still support the bill.
After that meeting, Terry, in perhaps a change of heart when she realized what we were up against, sent us an e-mail.

Hi Laurel,

I came away from yesterday’s meeting with deepened appreciation for your, Monica and Ryan’s dedication and stamina. You are skilled at meeting your audience “where they are”. I am in awe of your patience, considering the number of meetings in which you have participated.

(E-mail dated March 18, 2010 sent to Laurel, Catherine Nicklen (our Imperial County organizer), Helen Quintana (tribal member), Susan Massey, and me.)

So we had people and groups that were never going to work with us even if they could gain something in the process, and they were never going to support the idea of wilderness. Their arguments would be about being locked out and losing access on their lands and not being able to do what they wanted to do. We also had people and groups that we often referred to as the wilderness “purists.” They were also not going to compromise or work with us and also framed it as losing access to the land and not being able to enjoy the land in the way they wanted to. Terry explains it this way,

I think that there should be some areas that the BLM has already set up and sacrificed areas that could continue to have off-road vehicle recreation. It is a luxurious kind of throw back; an earlier age of thinking when consumptive use on public land is somehow okay with the population. We have the climate change problems. It’s no longer okay. We need all of us to revise and adjust our behavior in cities and public land, and so I would say that [OHVs] should be contained in sanctioned off-road recreation areas and that there shouldn’t be any of this driving of off-road vehicles on trails connecting throughout the dessert.
You know [closing OHV trails] is an ideal to work towards, but you have to educate not just off-roaders but the American public, because they somehow think that everyone has a right to do formal recreation on public land. But it’s like recreational bulldozing because the impact of off-roading is not unlike bulldozing public land.

It’s a matter of observing the goals of protecting the habitat and recreational resources for other constituents and it’s like we don’t. The way I see our country, we don’t have rights, we have privileges in this country and the privileges to have public land at all and the rights are you have to earn your rights and people don’t seem to understand that fragility. First of all they don’t comprehend the destruction that we have done to the ecosystem of the country and the creatures that used to live there, and so when it comes to protecting and saving the rest for future generations so that they can have the experience that we do; certain uses don’t make any sense. That’s all. It’s a very objective thing. I went camping up in the eastern Sierras for the first time in 2002 or so when I was in between jobs, and we found our way to a forest service road a little bit north of Mammoth. We set ourselves up in a nice camp by the creek. The first year was idyllic. There were quite a few people that would come by usually in jeeps to where they are going, and then the second year there were a few dirt bikes on legal trails to the forest. It would be ten of them and it would be like all of the sudden your total peace and quiet would be interrupted with motorcycle engine noise and the dust would last for ten minutes. And the third year it was like excessive and it ruins the experience for everybody else, and that’s an objective thing.

James would often tell people that he thought the work we did in Imperial County was the most successful and productive because it showed how completely opposing groups could come together and make something work, and he admired CWC for admitting that we had made a mistake. The County Supervisors never issued a resolution of support and Supervisor Leimgruber lost his reelection in 2010 to Ray Castillo. We met with the new Supervisor once, but never really followed-up. It almost became a non-issue whether we had their support or not. They were not vocally opposing, and all the
work we had done with the SEALS and Walter’s Camp seemed to trump the Supervisors’ support. The Quechan pulled their support altogether except for the few tribal members that we had worked with early on. Ironically, Imperial County was also one of the few city or county entities to get anything specific in the bill. They were looking to expand their local airport and wanted to do a land exchange with the BLM. It was non-controversial but could take years if they had to go through the formal process. The Senator added language in the bill that would expedite the exchange, and still we did not get the County’s support.

Imperial County clearly reflects the constructiveness of wilderness. The SEALS are dropping humvees into a proposed wilderness area, yet we can designate it “potential” wilderness in order to keep other uses out, i.e. off-roading and renewable energy development. We can have a wilderness as a “buffer” to a military base, but a slew of off-road routes remove an area from consideration. However, what was considered or negotiated as wilderness depended upon the willingness of the negotiators to compromise. CWC could look the other way at the Navy SEALS, and agreed that too many off-road routes did not fit the definition of wilderness. Yet, others such as DPC would not have had any problem designating the Walter’s Camp riding grounds as wilderness. A wilderness for CWC was a place that fit within the broad definition of the Wilderness Act, but also a place that others could not easily dismiss as wilderness. DPC and other activists believed that a wilderness designation could be used to keep undesirables out and help restore a place back to its pristine condition. While CWC was willing to give up some in order to get as much as possible, others wanted as much
wilderness as possible without giving up anything. Moreover, they also thought losing an entire area would be better than compromising because of the precedent it set. These groups and individuals were no different than the off-roaders who would rather say no than negotiate to get something for themselves.

The Walter’s Camp folks did not want CWC to walk away from the wilderness proposal, because in their view, working together on a compromise was the only way to ensure that they got something. In turn, James Peterson saw the negotiations with Walter’s Camp as positive work, so that he was willing to fight for the deals we had made and stand behind the wilderness proposal when we were on the verge of losing it. Consensus building was going to go a lot further and become a more powerful tool for all the groups in achieving their goals rather than just saying no (Law 1991; Nelson and Wright 1995, Few 2002). There were many, especially within the Sierra Club Desert Group and other small activist groups fighting for desert protection that believed the deal we made with Walter’s Camp was not worth the trade-off. They rather see no wilderness designated in the area than bend to a small group of people. Part of their argument was that if we “reward” illegal behavior by saying it is already ruined so should not be protected, than it only incentives bad behavior by the OHV community. They also believed that the Walter’s Camp deal and designating the OHV areas in the bill would set a bad precedent. In many ways they were right. For them, this was a zero-sum game where they felt they had more to lose by compromising. Walter’s Camp gained much more by compromising, and CWC felt that the wilderness designations we would get
were worth the trade-off of legalizing the Walter’s Camp routes. Clearly, in this case power was held by those willing to find a consensus.

Using off-roader Randy Banis’ example of the moral fight, he believed the environmentalists had the upper hand in negotiation. Wilderness preservation is linked to the utilitarian value that we are protecting our earth for our children and future generations, which resonates strongest with people (Kempton, Boster et al. 1995). As Randy pointed out, the off-roaders have the argument that all this is a land grab and about government control, but the environmentalists can talk about clean water, clean air, and global warming. “Interest groups employ discursive strategies to establish their legitimacy – political, economic, moral, and ‘scientific’ – while portraying their opponents as villains” (Sheridan 2007, 131). Portraying a villain became less clear in the question over renewable energy.

At the same time that all of this was happening in Imperial County, we were having other troubles with the entire proposed wilderness bill, but for a reason that we were not expecting. The new biggest threat to the desert was in full swing. Renewable energy became the new California gold rush and it was aimed at the desert.
CHAPTER THREE

Solar, Wind, and Catellus

In 2002, California established its Renewables Portfolio Standard (RPS) Program. The goal of this program was to increase the percentage of the state’s renewable energy portfolio to 20 percent by 2017. In the 2003 Integrated Energy Policy Report put out by the California Energy Commission (CEC), the goal was increased to 20% by 2010, and the 2004 Energy Report Update increased it even further to 33 percent by 2020. In 2006, the California Senate passed SB 107 codifying the 20 percent by 2010 RPS goal. On November 17, 2008, Governor Arnold Schwarzenegger signed Executive Order S-14-08 requiring that "...[a]ll retail sellers of electricity shall serve 33 percent of their load with renewable energy by 2020." In 2009, Executive Order S-21-09 directed the California Air Resources Board to enact regulations to achieve the goal of 33 percent renewables by 2020. The Air Resources Board was granted this authority under AB 32, the California Global Warming Solutions Act of 2006. AB 32 mandates that California decrease its greenhouse gas emissions to 1990 levels by 2020. According to the Executive Summary of AB 32:

The Governor, the Energy Commission, and the CPUC have endorsed an enhanced target of 33 percent renewables by 2020. So far, however, the RPS results have not kept pace with its mandate due principally to insufficient transmission infrastructure and complex administration…The utilities are not expected to be able to serve 20 percent of their retail load with renewables by 2010 although they may have contracted for the necessary amount by that date. The 33 percent goal by 2020 is feasible but only if the state commits to significant investments in transmission infrastructure and makes some key changes in policy.
The Energy Commission strongly supports renewable energy development to achieve the RPS targets and recommends that this agency:

- Leverage its power plant licensing and transmission corridor designation authority, its environmental expertise, and its transmission planning and policy experience to guide further renewable resource development in California.
- Establish a more cohesive statewide approach for renewable development that identifies preferred renewable generation and transmission projects in a “road map” for renewables.\(^5\)

The mandate for renewable energy and the concern with sufficient transmission infrastructure has created a new gold rush in the California desert in the form of industrial solar and wind, and it changed everything for our desert bill. In 2007, when we started the process of answering the “50 questions” there were actually only 49 questions. I do not think anyone realized the solar and wind frenzy that would begin in the desert with the passage of AB 32 and the additional federal and state tax incentives that followed. Perhaps we were naïve to the full impact and the sheer number of applications that suddenly began appearing in the desert. But by the summer of 2008 we had our 50\(^{th}\) question – are there any renewable energy applications in our proposed wilderness or wilderness additions? Sadly, the answer was yes. By the end of 2008 there were over one million acres under application in the California deserts! Applications have been filed from a variety of companies such as Goldman Sachs or individual investors (one was a dentist), many of these looking to capitalize on the application approval and sell

their solar permits. Others have taken advantage of government subsidies and tax
shelters so that 80% of their investment is covered by tax dollars. Bright Source was one
of the first to leap at the opportunity, and they secured $1.6 billion in federally
guaranteed loans in addition to the private capital invested by such disparate companies
as Google and even CalSTRS, the state’s teachers’ retirement fund. What made the
California desert so attractive besides the obvious sunlight requirement? - Cheap federal
land and lots of it.

Our first issue with the renewable energy applications was over our Sleeping Beauty
proposed wilderness. Each week I would go on the BLM’s website and download the
updated list of applications. With maps laid out all over my living room floor, I would
draw the boundaries of the applications on our wilderness maps so we could see the
overlap. Almost all of our places had applications within them or just around the
boundaries. Some of these were clearly ridiculous because we knew the terrain – too
rocky or too steep. Others overlapped WSA or Areas of Critical Environmental Concern
(ACEC), so chances are they would never get approved. Some of the proposed projects
even spilled on to military land or existing wilderness areas. Clearly, many of these were
speculative, and individuals or groups were just trying to claim their territory without
understanding the consequences or pitfalls. Many of these overlapped each other but the
sheer number worried us.

Sleeping Beauty is located south of Hwy 40 and west of Ludlow. The area is
characterized by a large sweeping bajada and the sleeping beauty rock formation. It is a
rockhounds dream where visitors may find an astounding assortment of agates, jasper, obsidian, chalcedony, geodes, banded onyx, and even petrified palm wood. It is home to bighorn sheep, kangaroo rats, roadrunners, ground squirrels, and black-tailed jackrabbits. The Broadwell Dry Lake bed provides a dramatic white spot amongst the varied colors of the desert wash system and it is an ideal place to go stargazing or just watch a sunset. Sleeping Beauty also had 12 applications on it, the most of any of our other proposed areas.

In October 2008, a representative from the Center for Energy Efficiencies and Renewable Technologies (CEERT) contacted me regarding our proposal in the Cadys WSA and Sleeping Beauty. CEERT describes itself as “a partnership of major environmental groups and private-sector clean energy companies. We design and fight for policies that promote global warming solutions and increased reliance on clean, renewable energy sources for California and the West.” There was a lot of skepticism among environmental groups about who CEERT was and what their goals were. Most did not trust them and just thought they were a trade group for renewable energy companies with no real concern for the environmental impacts of large scale solar and wind projects. It appeared to me at the time that CEERT, while representing many of the renewable companies, was trying to be a mediator of sorts and work out compromises and address concerns early on in the process. For those desert activists who opposed any solar and wind in the desert entirely, they would always distrust CEERT. Those same

6 http://www.ceert.org/about-ceert.php
activists also came to despise and distrust anyone who tried to compromise with the renewable energy companies and work through the various collaborative processes that would attempt to find appropriate places for renewable energy in the desert and work through the mitigation issues. The Sierra Club Desert Committee was completely against renewable energy in the desert, which was not the position that the national Sierra Club held. Two well-known activists and employees of the Sierra Club attended a Desert Committee group to discuss the Sierra Club’s position. They were yelled at and accused of selling out the desert and working with the solar and wind companies behind closed doors. It was ugly. There came to be a large split between local desert groups and activists and the large, organized environmental groups such as TWS, NRDC, and the Sierra Club with all kind of bad mouthing and accusations being aimed at the major groups. At the same time, the shift in foundation funding from protecting wilderness and open space to focusing on renewable energy, required the major groups to shift their priorities if they wanted to remain competitive and viable.

In an interview with long time desert advocate, Tom Budlong, I asked him about his position on renewable energy in the desert. He said,

I think it’s [no renewable energy in the desert] got to be that way. There are other things you can do. You run the danger of someone saying you don’t believe in global warming and all that kind of stuff… You know when the revolutionaries took over in Russia 100 or 80 years ago, whatever it was, they started building blockbuster technology products. They had this idea that big is good so built a giant steel mill or damn or something like that. It was all government sponsored, proposed and hardly any of ever worked out, and that is what’s going on right now. The government says we need renewable energy. We’ll do big things because we need a lot of it and that’s what’s happening out there right now without
much thinking as to the effects of or as to if there are more clever ways to do things...shining examples are the Europeans where the sun doesn’t shine hardly in the day time at all, and they’re doing a lot of P.V [photovoltaic] on rooftops, a meaningful, substantial amount. Germany, Spain, France, they seem to be able to do it. There are a lot of places in town where they put P.V panels not only on roofs but parking lots. There’s a lot of conservation you can do. Drive down the freeway at night and look at all the lights that are on. It’s atrocious. You can drive down my street. Everybody’s got vanity lighting all night long. There’s a lot you can do.

The desert is a legacy that we’ve been given all right. It’s our heritage. It is a beautiful place. If you talk to Jim Andre [Biology professor at University of California, Riverside], it’s one of the last intact ecosystems around, and if you value that you don’t go and destroy it.

In the meantime, the representative from CEERT was calling on behalf of Bright Source, Stirling Energy, and Oak Creek Energy regarding their solar and wind projects in Sleeping Beauty and in the Cadys WSA. The Oak Creek representative came at the negotiations with the argument that Sleeping Beauty and the Cadys were not wilderness quality, and when he toured areas with the BLM, they sent him in that direction because these areas were not recommended by BLM for wilderness designation. He was a reluctant participant and really just wanted CWC to drop our proposal and go away. Bright Source and Stirling used a different approach. They wanted to find a compromise and never indicated that they thought the areas were not worthy of wilderness. Stirling was particularly concerned that we had drawn our wilderness proposal boundary larger than the WSA boundary. They first just wanted us to pull back to the original WSA boundary, which would leave most of their application intact, though it would butt up directly to the WSA boundary. The idea of
this really started us thinking about the future impacts these projects could have on wilderness in the desert even if they would never be directly in the middle of the wilderness. We began asking ourselves what is a wilderness? Does it take away the wilderness quality or value of an area if there is an industrial size solar or wind farm on its borders? Are we just creating islands of habitat that have no connectivity to anything else? Is that what wilderness was meant to be?

Both Brightsource and Stirling had applications in Sleeping Beauty. This was a much more difficult negotiation because there were no boundaries to pull back. Their applications were all over the proposed wilderness area. James had made it very clear to us that we needed to resolve any issues that came up the best we could or he would do it, and we may not like the results. We also knew that the Senator did not want to do anything highly controversial and without support. She still had not officially agreed to do a wilderness bill, but we remained confident that she would. We wanted to please her as much as possible and try to get as much as possible, but we knew there would be sacrifices. Lastly, James also wanted to be able to go back to her and say the various stakeholders had worked out the negotiations themselves and all sides agreed to the compromises. The Senator loved that kind of groundwork and found it harder to say no when the stakeholders had already agreed on something. Many desert activists did not like Feinstein because they thought she made too many compromises on issues that were important to them. Even though she passed one of the largest wilderness bills in U.S. history that protected nearly nine million acres of the California desert, some still grumbled at a lot of the compromise language in the bill.
While Feinstein thought of herself as a champion of the desert and often touts the CDPA ‘94 as one of her greatest accomplishments, there is always the worry on the side of the desert activists that she will do something to the right of them. (Not all of the desert activists are democrats even though they are clearly on the left on environmental issues.)

Perhaps if there had been another staff member in charge of the desert bill, someone less pragmatic and more idealistic, our compromises would have been fewer. It is clear that James’ directives were shaping this bill in ways that not all wilderness activists would favor. We had an advocate in James; we knew that. He truly loved some of these areas and wanted to see them protected. He had talked about the land grab in the desert and understood the demands placed on it early on. He said to me once that the desert bill passed, it was probably the single most important piece of legislation he would work on for the Senator. However, he was in no way a purist or ideologue. He believed in compromise and negotiation and wanted to understand all sides of an issue. He also had great foresight, because Congress was becoming increasingly hostile and bipartisan. There had to be something in this bill for everyone, and even then it might not pass.

In the end, there was not a lot we could do. If we kept Sleeping Beauty in, we risked the Senator dropping it anyway, or worse, deciding not do a wilderness bill at all. If we dropped it voluntarily, we looked like good compromisers, could get letters from Stirling, Brightsource and Oak Creek that stated they had no issue with the rest of our proposal and that they appreciated CWC acting in good faith, and perhaps move
one step closer in convincing the Senator to do the rest of our wilderness bill. (At this point she had said yes to some of the areas but gave us a laundry list of questions that we had to answer and vetting that we had to do. Until she introduced a bill, we always felt we were in a precarious situation – and we were not wrong.) So we drew back our Cadys boundary somewhat, staying more within the original WSA boundary, to accommodate Stirling’s solar proposal. We lost Sleeping Beauty all together. We received our letters from Brightsource and Stirling stating they had no other issues with the proposed Feinstein desert bill, but Oak Creek Energy went back on their word and never sent a letter. We hoped this would be the last big issue with the renewable companies. Our readjustment of the boundary and the exclusion of Sleeping Beauty did not go over well with our desert advocates like George and Terry. It also did not go over well with another environmental group, but for very different reasons.

The Wildlands Conservancy (TWC) is a non-profit group based out of Oak Glen in Riverside County, California. Their dual mission is, “To preserve the beauty and biodiversity of the earth and to provide programs so that children may know the wonder and joy of nature.”7 According to their website, they own and operate California's largest nonprofit nature preserve system that includes 145,000 acres of diverse mountain, valley, desert, river and ocean front properties.

7http://www.wildlandsconservancy.org/
Operating exclusively with private funding, TWC purchases and restores landscapes and builds national park quality visitor facilities that are open to the public at no cost. Over the past ten years, TWC has been California's nonprofit leader in providing free outdoor education programs for school children.

Between the 1850s and 1870s, Congress granted the railroads large tracts of land to encourage construction. These parcels of land were in a general checkerboard pattern of 640-acre sections ten to 20 miles on either side of the track. The amount of land really depended on the terrain, water availability, and perceived value at the time. The California Mojave and Colorado deserts had little water and were considered less valuable than say the northern California valleys and forests. Thus the desert was almost a true checkerboard pattern extending outward from the right-of-way ten to 20 miles. In California, the railroads received 11,500,000 acres in subsidies. The railroads often sold off their land right away, but again because of the lack of perceived value in the California desert, these lands did not get sold off as soon or as quickly. The Catellus Development Corporation is the successor to the Santa Fe Pacific Land Company and their interest was in finally selling off these 640-acre parcels. Signs went up all over the west as Catellus tried to liquidate these holdings. Many of these 640-acre parcels were inside existing wilderness, national parks, WSA s, or potential wilderness areas. A large swath of these lands was located along historic Route 66 and Hwy 40 in the Mojave Desert. It made management of the land difficult in some places, and if sold and developed in this checkerboard pattern would increase management difficulties. Much of the area was also beautiful, open desert and habitat for many species such as bighorn sheep and Bigelow cholla cactus; TWC
was concerned that if Catellus was successful in selling off 640-acre parcels for small-scale development within some of these areas that they thought were pristine, it would scar the desert forever.

In July 1999, TWC acquired an option on 437,000 acres by negotiating an $18 million discount with Catellus. Over the next five years, TWC raised around $48 million; they negotiated discounts with Catellus, and with an additional $15 million from the Land and Water Conservation Fund purchased 560,000 acres of railroad lands throughout the Mojave and Colorado deserts. They then donated this land to the National Park Service and the BLM with the understanding and a handshake that these lands would be conserved in perpetuity. David Meyers, the executive director of TWC, had worked closely with Senator Feinstein who had been instrumental in securing the Land and Water Conservation Fund monies for the purchase\(^8\) (Figure 27).

Sleeping Beauty had not been included in the CDPA ‘94 because of the large number of private inholdings within its boundaries – the Catellus lands. The Sleeping Beauty parcels as well as others in the Cadys and all along Hwy 40 had been part of TWC’s purchase and donation. While we were aware that the private inholdings were no longer an issue, we never connected the Catellus purchase and the significance of

\(^8\)http://www.wildlandsconservancy.org/conservation_california.html
that donation to the federal government with our wilderness proposal. When we chose to
give up Sleeping Beauty in our proposal, we made the decision based on what we could
lose if we chose to try and keep it in. It had applications all over it for solar and wind
development, and it appeared that Brightsource and Stirling were willing to fight us had we
chosen not to compromise. Many of the desert activists, took the position that there
should be no renewable energy whatsoever in the desert. Others were more pragmatic
and thought it should be directed to appropriate places such as private lands and already
disturbed lands, and there were already environmental groups working on trying to direct
the applications in this direction. The CWC took the later position early on deciding that

Figure 27: Catellus acquisitions
taking a “no renewable energy at all” stand was not realistic nor did we have the resources to fight every application. We also wanted the Senator to introduce a wilderness bill, so better to lose 30,000 acres but have a 300,000 acre plus wilderness bill than to try keeping 30,000 acres and getting nothing at all. What we also did not realize at the time was that there were renewable energy applications all over the areas that had been part of the Catellus land acquisition and donation.

Due to the Catellus acquisitions and the Senator’s involvement, David Meyers, the executive director of TWC, had a very good relationship with the Senator. She knew who he was and listened to what he said. James also admired David and his work immensely. CWC had not been working with TWC, and while we saw their staff at certain events and had a friendly relationship, they were not one of our “coalition” partners. At some point, TWC became aware of the solar rush in the desert, and they immediately recognized the impact on the Catellus lands purchase. Since I was not part of these conversations directly, it is my understanding that TWC tried to work with the BLM first asking them to not accept applications on the Catellus donated lands. It was very clear to all of us early on that the solar rush in the desert went way above the local BLM field offices. We had been told over and over again by various BLM staff in different positions, that the mandate to move on these applications was coming from Washington D.C. and a lot of the decision making was out of their hands. David also alerted James and the Senator to what was going on. On March 3, 2009, Senator Feinstein sent the following letter to Interior Secretary Ken Salazar:
March 3, 2009

As the author of the California Desert Protection Act, I am writing to express my strong opposition to the leasing of former railroad lands in the eastern Mojave Desert by the Bureau of Land Management (BLM). I also want to make you aware that I am currently preparing legislation to ensure the permanent protection of these lands, which were donated to the federal government for conservation.

As you may know, hundreds of lease applications have been submitted to the BLM for the development of renewable energy projects in the California desert. While I strongly support renewable energy, it is critical that these projects move forward on public and private lands well suited for that purpose. Unfortunately, many of the sites now being considered for leases are completely inappropriate and will lead to the wholesale destruction of some of the most pristine areas in the desert.

Following the passage of the Desert Protection Act, I worked closely with the Department of the Interior, the Wildlands Conservancy and Catellus (the real estate arm of the Union Pacific Railroad) to develop a plan to conserve hundreds of thousands acres of privately held land that checker-boarded much of the eastern Mojave. As part of that agreement, Catellus reduced the selling price of its land, the Wildlands Conservancy contributed $40 million in private donations, and the federal government provided $18 million in Land and Water Conservation Fund dollars to acquire and donate approximately 600,000 acres to the Department of the Interior. As you can see in the attached map, these lands generally cover the area between the Mojave Preserve and Joshua Tree National Park.

The significance of the Wildlands Conservancy-Catellus agreement cannot be overstated. It represents the largest nonprofit land acquisition donated to the American people in United States history. This included the donation of nearly 100,000 acres of land to the National Park Service, over 210,000 acres in 20 BLM wilderness areas, and hundreds of
thousands of acres of important habitat for threatened and endangered species. Beyond protecting national parks and wilderness from development, the conservation of these lands has helped to ensure the sustainability of the entire desert ecosystem by preserving the vital wildlife corridors.

Though the Wildlands Conservancy-Catellus agreement and the use of federal conservation funds demonstrated the clear intent of all parties to preserve these lands in perpetuity, I have been informed that the BLM now considers these areas open for all types of use except mining. This is unacceptable! This policy has also led the State of California to include large swaths of former Catellus lands as potential renewable energy zones as a part of its Renewable Energy Transmission Initiative draft proposal. It is important the Department of the Interior act as soon as possible to rectify the situation before more time, effort and money is wasted by government agencies and private industry pursuing projects on these lands that will never come to fruition.

I urge you to direct the BLM to suspend any further consideration of leases to develop these former railroad lands for renewable energy or for any other purposes. Furthermore, I would welcome the opportunity to work with the Department of the Interior on legislation to protect these areas and encourage energy development on more suitable lands within the California desert.

Thank you for your time and consideration of my request. I look forward to working with you on these issues.

Sincerely,

Dianne Feinstein
United States Senator
Secretary Salazar responded:

The Department of the Interior (DOI), through my predecessor Bruce Babbitt, was heavily involved in this initiative and the DOI and the Bureau of Land Management (BLM) fully recognize the importance of protecting these lands that were donated by The Wildlands Conservancy or acquired with funds appropriated by Congress with your assistance through the Land and Water Conservation Fund. As was noted at the time, the lands acquired “are some of the most pristine and scenic areas in the Desert,” (BLM July 27, 2000, news release) and BLM fully acknowledges their many important attributes, including wildlife habitat, cultural, and other values.

However, under BLM regulations these lands are not automatically closed to filing of applications such as rights-of-way for renewable energy. These areas are identified to potential applicants as having possible resource conflicts, and as areas they may wish to avoid.

If the BLM receives an application on these lands, the agency must carefully weigh the impacts of the proposed renewable energy right-of-way with the values of the lands donated or acquired for conservation purposes. This is done through the environmental review process that includes full public involvement, development of alternatives, and ultimately, a decision to authorize, amend, or not authorize the proposed use.

Figure 28: For full text of the letter see Appendix B.

TWC was prepared to litigate if any projects moved forward, but they also had another idea that had been floating around since the days of the CDPA ‘94. If they created a monument that hugged Route 66 just south of the Mojave Preserve and extended almost to Joshua Tree, they could capture over 200,000 acres of the Catellus lands and protect them from any development. The monument was not a new idea. There had been talk about it among Sierra Club desert activists as an ideal way to link Joshua Tree with the Mojave Preserve creating an incredible wildlife corridor. This time the monument was clearly being put forth as a way to protect the Catellus lands. The Senator liked the idea. She liked the idea so much that she decided to move forward on putting together monument legislation right away. Our potential wilderness bill that we had been working with her and her staff on since January 2007 was all of a sudden a distant memory for her.
I was on maternity leave in March 2009 when I got two calls. One was from my coworker Ryan, and the other was from the Stirling representative whom I worked out the compromise with on Sleeping Beauty and the Cadys WSA. Ryan was calling to let me know that it appeared the Senator was not going to do our wilderness bill. Her focus now was on the monument, and either her or some on her staff thought that doing a wilderness and monument bill would be too controversial. They actually thought the wilderness portion would be more controversial than a monument that at the time was being proposed at nearly two million acres. The representative from Stirling wanted to know why we were reneging on our promise and what was the deal with this monument. Both the Cadys WSA and Sleeping Beauty were going to be included in this new proposed monument. I explained to them that we, CWC, had nothing to do with the monument proposal and it looked why we were going to lose big also. There was nothing I could do for them at this point. On March 18, 2009, the Senator released the following press statement:

**Senator Feinstein Announces Intention to Introduce Measure to Protect Former Catellus Lands through a Monument Designation.**

**Washington, DC** – U.S. Senator Dianne Feinstein (D-Calif.), the author of the 1994 California Desert Protection Act, today announced her intention to introduce new legislation to establish a national monument to preserve hundreds of thousands of acres in the Mojave Desert. The former Catellus lands were previously donated to or by purchased by the Department of the Interior for conservation.

“The former Catellus lands between the Mojave National Preserve and Joshua Tree National Park were purchased by or donated to the federal government so they would be protected forever. I feel very strongly
that the federal government must honor that commitment,” Senator Feinstein said.

“That’s why I am very concerned about wind and solar development proposals intended for these lands. I’m a strong supporter of renewable energy and clean technology -- but it is critical that these projects are built on suitable lands. The former Catellus lands shouldn’t be eligible for development.

So, I intend to introduce new legislation to protect hundreds of thousands of acres of these former railroad lands through a national monument designation. This would provide lasting protection for these lands and prevent development, while allowing existing uses to continue. I also intend to work with local stakeholders to determine whether other local desert lands may be suitable for federal protection at this time.

These former Catellus land acquisitions were financed by $40 million in private donations from The Wildlands Conservancy, $18 million in Land and Water Conservation Fund appropriations and approximately $5 million in a price reduction from Catellus, a real estate subsidiary of the former Santa Fe and Southern Pacific Railroad. The private parties contributed this large sum of money in the belief that this land will be protected and conserved. Building huge solar facilities on these lands is untenable and unacceptable. Bottom line: the former Catellus lands must be protected from development.”…

Protecting the Former Catellus Lands

The national monument designation would ensure that hundreds of thousands of acres between Joshua Tree National Park and the Mojave National Preserve are protected in perpetuity. Large-scale development would be prohibited within the monument in order to protect the biological and aesthetic integrity of the region and guarantee public access for hunting, hiking, camping and exploring scenic back roads.

The 600,000 acre Catellus agreement was one the largest nonprofit land acquisition donations to the United States in history. Most of the Catellus lands were acquired and donated to the federal government
between 1999 and 2004. It included nearly 100,000 acres of land to the National Park Service, over 210,000 acres in 20 wilderness areas to the Bureau of Land Management (BLM), and hundreds of thousands of acres of important habitat for threatened and endangered species.

The BLM is currently reviewing 130 applications for solar and wind energy development in the California desert, covering more than 1 million acres of public land. Several of these applications are located in the eastern Mojave Desert on or near property previously owned by Catellus. The California Energy Commission has estimated that approximately 100,000 to 160,000 acres of desert lands would be needed for the state to meet its 33 percent renewable energy goal by 2020.

Senator Feinstein was the lead sponsor of the 1994 Desert Protection Act, which provided lasting federal protection for nearly 9 million acres of pristine desert land in Southern California. It established Death Valley National Park, Joshua Tree National Park and the Mojave National Preserve. It remains the largest parks and wilderness bill to impact the lower 48 states.

We were devastated but not willing to give up just yet. We decided that we needed an in-person meeting with the Senator, and we must put people in front of her that she would listen to. James helped us arrange a meeting during the spring recess when the Senator would be in San Francisco. We started strategizing and lining up the attendees.

The first people we chose were local stakeholders whom we thought the Senator would respond to. Ila Dunzweiler was from the Quechan Tribe and could speak about the importance of the areas in Imperial County. Barbara Durham was from the Timbisha Shoshone Tribe, and this Tribe had an interest in the Ft. Irwin WSAs, the Death Valley National Park additions, and areas in Inyo County. In addition, we chose Paul Smith, the owner of the Twentynine Palms Inn and head of the Innkeepers’ Association in the
Morongo Basin. He planned on talking about the importance of the National Parks and protecting places in the desert for tourism. The other attendees were comprised of various VIPs. Ed Hastey was the California BLM State Director during the time of the CDPA ’94 and had adamantly opposed the Senator’s bill. Now he worked for the Resources Legacy Fund Foundation (RLFF), a non-profit group that grants money to non-profits working to protect natural landscapes and marine systems. RLFF is one of CWC’s funders. The Senator also knew Ed well and respected him. Nobby Reidy used to work for TWS and had also worked on the CDPA ’94. The Senator and Nobby knew each other also. Lastly, Carl Pope, the head of the Sierra Club, would be in attendance.

James and John Watts, the Senator’s environmental legislative assistant, as well as Ryan and I were there. We had a pre-meeting conference call to discuss our strategy and came up with a script, which I would use to facilitate the meeting, and we prepped our local stakeholders.

We were all supposed to meet in the lobby and go up to the Senator’s office together. Everyone was present except for Ed Hastey. We did not want to be late, so we went up without him. When we arrived at her office, we could see Ed already sitting with the Senator in the conference room. It looked like they were deeply engaged in a conversation, and when Ed saw us, he did not look happy. We were all directed into the conference room and sat down. Ed shook his head at Ryan as if to say this was hopeless.

We started by everyone introducing him/herself, and then the Senator began to talk about the importance of the monument proposal in protecting the Catellus lands and about the threat of renewable energy to the desert. It was clear that this was an important issue for
her. These lands were purchased and donated for conservation purposes and she was not going to accept the Department of Interior developing on them. Before she could use up all of our meeting time with her, I jumped in and explained why we were there.

Just that past September, we had met with the Senator in DC to discuss our proposal and whether she was going to commit to doing legislation or not. She had a binder with all the area fact sheets and pictures that she went through with us, and on top of many areas wrote “yes” meaning she would include them in a bill. For some of the other areas, she had questions for us to answer mainly about opposition, private lands, and mining. I began with that, reminding her that she committed to a bill in September and gave us a laundry list of things to do and questions to answer, which we had completed. I told her we had local stakeholders with us who wanted to discuss the importance of the bill and why she needed to move forward on it. We then proceeded around the table, letting Ila, Barbara, and Paul discuss what they needed to. They did a fantastic job. We had large pictures of each area that we held up and a list of supporters that we could mention. Nobby and Carl spoke in more general terms, but said this should not be a monument or wilderness, that it could be both. Ed did not say anything.

Our meeting lasted well over an hour, which is generous for a Senator. John Watts expressed concern that in order to move monument legislation, we would have to keep this as uncontroversial as possible. There was no way the wilderness portion of this was more contentious than the monument would be. In fact, we were convinced that the monument would be the hot button. We made that argument as best we could.
time we did not realize that the TWC did not want to link the monument with the wilderness portion because they thought it would hold the monument portion back, and they felt they did not have time for that. This would create a very tense relationship between CWC and TWC down the road. But for now, we had done it. We convinced the Senator to keep the wilderness, National Park additions, and Wild & Scenic River designations in a bill that would also include a monument. Ed told us after the meeting that he was sure she was not going to go for it during his conversation with her. He said we had really done an amazing job to present our case and having the local stakeholders there made a difference.

So it was a victory even though we did not get everything we wanted. We did lose the areas in Inyo County though, with the exception of Surprise Canyon and the Great Falls Basin WSA. None of us could convince John Watts that Inyo County was not controversial, and he was probably right. On the positive side, we lost the Slate Range proposed wilderness but it had become such a touchy area between mining and off-roading interests that it looked like the ultimate compromise. Our opposition did not know that we had to give it up, and we could say we listened to the local stakeholders and decided not to move forward with the Slates. That gained us some capital among certain groups. We got to keep Great Falls Basin in because it was a WSA so it seemed logical to move it forward as wilderness. I am not sure why we got to keep Surprise Canyon, but it definitely was not the most controversial piece of the bill anymore. We were right – the monument was. Sleeping Beauty would now be part of the Monument, so it would have some level of protection. In addition, Trilobite and Clipper proposed
wilderness additions were also lost, as they too would become part of the Monument. A monument is different from a designated wilderness in that it is defined by the legislation whereas the Wilderness Act of 1964 defines a wilderness. A monument is what you write it to be. This became another hard to swallow piece for many of the activists because they felt that the Monument language was not restrictive or protective enough. Other than precluding any kind of renewable energy development, all other activities could continue including mining and off-road use.

We also lost the Cadys WSA because it was going to be included in the Monument but would be released from WSA status. WSA release was something that some of the stakeholders we had been working with had requested, namely Congressman Buck McKeon and San Bernardino County Supervisor Brad Mitzelfelt. They asked for release as a quid pro quo request – you get wilderness and we get some release from protective status that we can now open up to development. Some conservatives wanted to see acre for acre release, and others just wanted to see something. For the counties, having a large amount of federal land already lowered their tax revenue because it was not their land to tax. The Payment in Lieu of Taxes (PILT) program is supposed to offset this by sending money to the counties based on the amount of federal land in their county. The counties argue that PILT is inadequate. So while a WSA release would still mean that the land would stay in the hands of the federal government, the idea was that something could be developed on the land that would create jobs or bring in other revenue to the County. By releasing the Cadys, we were able to say that we had WSA release in the bill but the Cadys would still have some level of protective status because it
was in the monument. The Cadys were not enough however, so we were also asked for release somewhere else.

James and Chris had never been fully sold on the Soda Mountains WSA so they suggested releasing the Sodas. This stirred up a huge amount of controversy among the desert activists and our coalition partners, so the negotiations began again. At this point we felt good that we had saved the wilderness part of the bill, but we also did not want to lose anymore. Releasing all of the Sodas was not an option, so we came up with several alternatives. We identified the most important and wilderness worthy part of the Sodas, and then we pulled back the boundaries in different ways so that we were protecting the most important part but could still make it look like we were releasing quite a bit of acreage. In the end we pulled our boundaries in all along the outside shaving off approximately 30,000 acres of the proposal. James accepted this and again we were able to say that we released 30,000 acres of the Sodas.

It took the next eight months to get the bill ready for introduction. It became a beast of a bill that included not only the now named Mojave Trails National Monument and our wilderness, park additions, and wild and scenic rivers, but also an additional monument called the Sand to Snow National Monument and an energy section that was complicated and contentious in its own right. As soon as the Senator announced that she was going to introduce a monument bill, the critics attacked accusing of her blocking solar in the desert. This became the big “green vs. green” debate and the press loved reporting on it. It became the pro renewable energy side concerned about global
warming versus those that wanted to protect the desert tortoise or a kangaroo rat. The desert has never been an easy sell for wilderness protection because so many have actually never explored it. It is not lush and majestic like a redwood forest or serene and beautiful like a coastal setting. The desert is harsh, severe, dry, and sparse of vegetation. It is the place to dump our trash, bury nuclear waste, and build military bases and prisons. Even the desert tortoise is not as cute and cuddly as a spotted owl. With our increasing need to find alternative energy sources, shouldn’t something be sacrificed, and doesn’t it make sense that that something is the desert? That became, and still is, the debate over renewable energy in the desert especially from people living outside of the desert areas that do not recreate or visit there.

Renewable energy development also got tied in with job creation, which was becoming increasingly imperative. However, nobody mentioned that after the peak of 1,000 jobs during construction, most of these industrial solar and wind plants would only be employing 50-80 people year round. Nobody discussed the fact that solar is two to three times more expensive than coal and natural gas, and it utilizes a lot of water, not a resource in ample supply in the desert. These became the arguments of the “no renewable energy in the desert” group but were seldom reported.

For the counties and cities impacted by the renewable energy rush, the views varied. When we spoke with some of the city council members of Ridgecrest located in Kern County and bordering Inyo County, they expressed concern that because of wilderness and ACECs and WSAs, and so on, that they were missing out on opportunities
for development that would create jobs for the city and the county. Riverside County also wanted to make sure that renewable energy was not blocked as they saw it as a job creator also. The city council members in Blythe in Imperial County also saw it as good development that would employ residents.

Supervisor Mitzelfelt of San Bernardino County commented that he did not want to see historic Route 66 become “a driveway for solar” in the desert. Much of the monument borders the longest stretch of undeveloped Route 66 in the nation, and if passed would protect all that land from development. Supervisor Neil Derry, also of San Bernardino County, took this same viewpoint and liked the idea of putting renewable energy on to private land. He liked the idea of properly planning rather than see a frenzy happen that ended with projects in poorly sited places. The counties would also benefit much more if projects were on private land rather than public because of the tax revenue issue.

There was also the tourism argument. For many desert cities, mining was no longer an economic driver, though Inyo County would argue differently. Obviously the Coachella Valley with cities like Palm Springs and Rancho Mirage recognized the importance of tourism and protecting their natural resources, but others such as Joshua Tree and Twentynine Palms, and even smaller ones like Shoshone and Nipton, were recognizing this fact as well. Seeing the areas around them paved away by industrial solar was going to hurt their growing tourism industry. There are two main types of
recreationists in the desert -the hikers/naturalist type and the off-roaders, and now all of a sudden they found themselves on the same side in seeing their open spaces threatened.

When I spoke with the off-roaders we had been working with, Meg, Randy, Harry, and others, they all agreed that renewable energy development was the biggest threat to the desert and to their hobby. When I spoke with environmentalists like Terry, George, and others they all agreed that renewable energy was the biggest threat to the desert. In my interview with Terry, I asked her if she saw the off-roaders and environmentalists ever coming together to form a larger coalition to fight the renewable energy frenzy. She said,

I think we like to work with people on issues you know that serve the desert and if their motives for opposing big solar are different than ours I don’t know if I would make a coalition with them…The wilderness coalition needs to engage with the broader desert protection community to look at the desert as an equal system because it’s getting to the point were getting these small pieces of wilderness here and there that are not going to be connected to anything else. So in a way wilderness, I see down the road, takes a back seat to everyone getting together to protect the desert eco system as a whole. We don’t just want islands of wilderness.

Randy Banis sees the “green vs. green” debate as fascinating; “could be a movie.” People fought for years to save species like the desert tortoise, but now that is all being erased by Interior Secretary Salazar and President Obama who are basically saying, “too bad, pave over this area, and put the solar plant.” He said not everyone in the OHV community sees it the same way and he is trying to convince them. He currently is the representative for CORVA on the DRECP. Executive Order S-14-08 put forth by former Governor Schwarzenegger mandated the creation of the DRECP as a major component in
California’s energy planning efforts. “The DRECP, when completed, is expected to further [California’s renewable energy] objectives and provide binding, long-term endangered species permit assurances while facilitating the review and approval of renewable energy projects in the Mojave and Colorado deserts in California.”

Randy also commented that he liked the Monument portion of the bill much more than the wilderness because he sees the monument as having the biggest threat in terms of energy development. He does not think the proposed wilderness areas are being threatened and he does not care much for the designated OHV areas that are included in the bill, so if the bill were to split between the Monument and wilderness he would only support the Monument bill. So even though we had done several field checking outings with Randy making sure routes he was concerned were cherrystemmed, he still would throw his support behind the Monument because of the renewable energy threat to that area.

Randy was one of the few who liked the Monument more than the other parts of the bill. The Monument is what got the press, the questions, and the criticisms. As of this writing, even Senator Boxer (D-CA), a hugely pro-wilderness and pro-environment advocate had not endorsed Senator Feinstein’s bill because of concerns she had that the monument could be blocking renewable energy development. The proposed wilderness areas and other parts of the bill were barely mentioned and they surely weren’t considered controversial anymore. It was all about the Monument, which initially started

1 http://www.drecp.org/about/index.html
out at nearly two million acres, but was reduced to just less than one million acres because the sheer size of it was becoming so contentious. Reducing the size involved merely pulling back the boundaries a little and removing the areas that were already designated as wilderness that were initially included within the Monument. This made for an odd-shaped boundary (see Figure 29), but 940,000 acres sounded better than two million.

Figure 29: The proposed Mojave Trails National Monument
After months of wrangling, meeting with more stakeholders, and fine-tuning language, the bill was finally introduced at the end of December 2009. This is a summary of what Title I of the legislation included:

- Establish the 941,413-acre Mojave Trails National Monument in eastern San Bernardino County along the southern boundary of the Mojave National Monument;

- Designate the 133,524-acre Sand to Snow National Monument that stretches between Joshua Tree National Park on the east and the highcountry of the San Gorgonio Wilderness in the San Bernardino National Forest to the west;

- Add three areas encompassing 173,861 acres to the National Wilderness Preservation System, including the Avawatz Mountains Wilderness (86,614 acres), Great Falls Basin Wilderness (7,871 acres) and Soda Mountains Wilderness (79,376 acres);

- Enlarge four existing wilderness areas by 172,247 acres, including the Death Valley National Park Wilderness (90,152 acres), Golden Valley Wilderness (21,633 acres), Kingston Range Wilderness (53,321 acres) and San Gorgonio Wilderness (7,141 acres);

- Establish the 75,575-acre Vinagre Wash Special Management Area in Imperial County where many ecologically and culturally sensitive areas would be protected from development and vehicle use, including 48,699 acres that would essentially be managed as wilderness;

- Enlarge Death Valley National Park by 40,740 acres, Mojave National Preserve by 29,246 acres and Joshua Tree National Park by 2,904 acres;

- Add over 70 miles (22,400 acres) of stream to the National Wild and Scenic Rivers System along the Amargosa River, Deep Creek, Surprise Canyon and the Whitewater River;

- Permanently prohibit the staking of new mining claims on approximately 10,000 acres of land sacred to the Quechan Tribe in Imperial County;
• Mandate the study and protection of a cultural trail and the features associated with it along the Colorado River that is sacred to several tribes;

• Make it more difficult for developers to excessively exploit groundwater in or near the Mojave National Preserve;

• Transfer a 994-acre Bureau of Land Management holding in San Diego County to Anza-Borrego Desert State Park and require the state to manage the land as wilderness;

• Protect land from development that has been donated to or acquired by the federal government for conservation purposes; and

• Require the Department of the Interior to study the future impacts of climate change on the California desert, to mitigate these impacts and to identify and protect important wildlife migration corridors in the region.

In addition to these protective measures, as a political compromise Title I will also:

• Withdraw protection from 33,571 acres of the Soda Mountains Wilderness Study Area;

• Withdraw protection from the 84,400-acre Cady Mountains Wilderness Study Area (however, all but 5,500 acres of the area will be included in the Mojave Trails National Monument);

• Facilitate the transfer of isolated parcels of state-owned land that are surrounded by desert wilderness areas and parks in exchange for federal assets, potentially including parcels of federal land;

• Turn five existing administratively-designated off-highway vehicle (OHV) recreation areas into legislatively-designated OHV areas;

• Require the Secretary of the Interior to study the possibility of expanding these OHV areas; and

• Allow for the expansion of a small airport in Imperial County.
There was also another section, Title II, which dealt mainly with policy associated with renewable energy. Title II was meant to appease the critics that said Feinstein was blocking renewable energy. It included incentives and provisions such as 50% of lease revenue from the projects on public lands going to the State and to the counties; incentives to solar and wind companies if they sited their projects in approved renewable energy zones that were being worked out by the federal government and stakeholders; and ordered applications to be expedited as quickly as possible. When the bill was reintroduced in the new Congressional session in January 2011, Title II was dropped mainly because many of the provisions had already been taken care through other means. Title I was not without its controversy and complications, and there were many opponents angry about the compromises it had in it.

Once the bill was written, but before it was introduced, the environmental community and a few others outside of that had the opportunity to review it and submit their comments. When we collected and combined all the comments, the document was 15 pages long and single-spaced. Some of the comments dealt with typos and accidental omissions, but others were highly critical of several main components of the bill – the Vinagre Wash Special Management Area, the designated OHV areas and possible expansion of them, release of the Cadys and Sodas, and Tribal interests. The critiques were primarily from Defenders of Wildlife, the DPC, the Quechan Tribe, and individual activists.
In their comments, the Quechan explained the significance of the Xam Kwatcham trail in order to understand the significance of the areas in Imperial County. Bridget Nash, representing the Tribe, wrote,

This trail network encompasses the Medicine trail, the Mojave Salt Song trail and the Keruk Trail. The Quechan believe that Kumastamxo, the God-son of their creator, Kukumat, led them down this sacred trail upon Kukumat's death as a completion of the creation cycle because the creator had told the people that, upon his death, he would return to where he came from. Xam Kwatcham means "another going down" and the Tribe believes that is what was laid down for them by the creator to connect AviKwame with their tribal lands along the river. This journey has been reenacted by the tribe at irregular intervals in the form of the Keruk creation ceremony to celebrate the creation of the world, the spirit world, the natural world, and Kukumat's cremation. It was also a memorial for those that recently departed. This trail, along with the Trail of Dreams, runs through the proposed SMA and Wilderness into the existing Indian Pass Wilderness area and south/west. This is not just one trail. There are tributary trails and sites associated with the trails. There is a spiritual trail that cannot be seen but that can be obstructed by construction. In fact, in the 1997 DEIS/DEIR for the Glamis Imperial Project, it was determined that the mine would have "significant unavoidable impacts on the ability of the Quechan to travel physically and spiritually along the Trail of Dreams, conduct traditional religious activities, and use the area for traditional cultural education programs." ASM Associates, one of the CRM firms conducting surveys in the area, stated that "the trails and associated feature in the project area are part of one of the most important east-west and north-south prehistoric transportation networks in the region." Because of this, the Quechan Cultural Committee would like to voice their preference for no OHV activity in this area (Bridget Nash-Chrabascz, Quechan Indian Tribe).

Of course, the SMA was one of the largest and most important deals we had worked out in negotiating this bill. As I mentioned in the previous chapter, James viewed this compromise and our work here as one of the best experiences of people with
different interests able to come to the table and work out something that satisfied both sides. The Vinagre Wash area that would be part of this SMA was not wilderness quality, but that did not mean it lacked in cultural resources as argued by the Tribe. The other caveat that went along with the SMA was that there would be no management plan for the SMA. This was actually difficult for even CWC to swallow but was a real sticking point with the Walter’s Camp folks. They believed that if there was a management plan done for the area, all the routes that we had spent hours and hours working out would be lost. This is exactly what was expressed in the comments. People wrote, “The designation of motorized vehicle routes of travel should be considered as part of the management process plan.” “Complete cultural resource surveys of the entire area should be undertaken completely preliminary to designation of any routes of travel.” “The only real benefit which this bill provides for conservation in Imperial County is in eliminating energy development. I propose that the costs cited above are too great for the benefits that might result. Perhaps Imperial County should be entirely removed from the bill.”

There was also some unease about the rest of the Imperial County areas being designated as potential wilderness due to the Navy SEALS training activities. Terry from DPC wrote,

The exception that the Secretary may authorize use of the Management Area by the Secretary of the Navy for Special Warfare Tactical Training, in our thinking, would seriously undermine the protection of wilderness character. Given that the Navy states that they may continue to carry out the various types of activity listed in lines 28-29, page 19 as long as we have the war on terror, it seems that their use of these potential wilderness
areas will create ongoing damage to wilderness character. **If these military activities are indeed incompatible with the Wilderness Act, how can we justify designating these lands as potential wilderness?**

(Terry Weiner, Desert Protective Council)

The designated OHV areas also posed a huge problem from some of our coalition partners and activists. There were five areas, Spangler, El Mirage, Johnson Valley, Razor, and Stoddard that are currently managed as OHV open areas by the BLM. The designation of them is based on a land management plan, and the BLM could close them or any part of them for various reasons. Giving them a federal designation as Off-Highway Vehicle Recreation Areas meant that it would take an act of Congress to close any part of them. CWC’s thinking was that this gave the OHV community something they already had. The areas had been managed as open areas for years and it was not likely that they would be closed anytime soon. The concern from others was that this was precedent setting and now every wilderness bill would include some OHV provision. There was also the argument that unlike wilderness that is defined and backed by the Wilderness Act of 1964, there was no such law for OHV areas so why were we providing for that in wilderness legislation. Defenders of Wildlife stated,

Defenders strongly opposes national designation of vehicle use open areas in the CDCA that were established under the policy provisions of the CDCA Plan and FLPMA. There is simply no need to "nationalize" them. The language would perpetuate existing levels of use, including casual use, competitive use, racing, etc. using the terms "preserve and enhance...opportunities for off-highway vehicle recreation." This potentially contradicts FLPMA as applied in the CDCA, namely that multiple use activities must be allowed on the basis of sustained yield and maintenance of environmental quality. If, for some unknown reason, future studies or research or a higher public need called for modifying or
eliminating off-road vehicle use in an open area, then the language in this bill mandating that such use be "preserved and enhanced" would be contradictory.

Mandating that existing vehicle use be maintained, preserved and enhanced may be legally and physically impossible in the future, especially in some designated open areas where existing natural and cultural resources have and are being adversely impacted by uncontrolled vehicle use. For example, review the situation at Dove Spring Canyon and Jawbone Canyon Open Areas. Vegetation loss, soil erosion and displacement or elimination of a variety of wildlife species, including the Desert Tortoise, have occurred due to excessive and extreme off road vehicle use (Jeff Aardahl, Defenders of Wildlife).

This wilderness bill would give the OHV community more than they had ever received in a piece of wilderness legislation. In addition to the designated open areas, there was language that directed the BLM to study the feasibility of expanding these open areas on land adjacent to their boundaries. There were also numerous cherrystems throughout the proposed wilderness areas, the release of the Cadys and part of the Sodas, and 100’ setback from centerline of the cherrystemmed routes (the standard is 30’). The argument for the larger setback was to allow for side-of-the road camping. The Mojave Trails National Monument also protected nearly one million acres of land and hundreds of miles of trails that would remain open and free from energy development. The environmentalists were hoping to get routes closed through the management plan that would have to be done once the bill passed, but for now the OHV community viewed this a victory for access.
Figure 30: the Cadys WSA in the spring.

In the end, these provisions would win us the endorsements from ORBA, AMA District 37 and AMA National, the Blue Ribbon Coalition, the Motorcycle Industry Council, the American Sand Association, Ecologic, and many of the chambers of commerce including the California Chamber of Commerce. We would not gain the support of CORVA or Cal 4WD. We also did not get the support of Sierra Club or Defenders of Wildlife. The OHV provisions were also instrumental in securing support in San Bernardino County from cities like Apple Valley, Redlands, Yucaipa, and Banning and Beaumont. After the bill was introduced and we hit the road to build our endorsement list, it was my idea to include Meg and sometimes others from the OHV
groups so we could show how this was a bipartisan bill that had something in it for everyone. This was a hugely successful strategy and ultimately landed us with an impressive endorsement list that was hard to ignore (Appendix C).

CWC stood by all the negotiations we made knowing that if we had not worked out some of these compromises, we probably would not have a wilderness bill today. The cost of the compromises outweighed the potential of no bill. At the worst, we were called “pigs wearing lipstick”, but most criticism was not that harsh. I believe that the majority understood this was the political process we had to go through. I respected Tom immensely, but he was also very forthcoming on provisions he hated in the bill. In the interview, I asked him if he was okay with the compromises in the bill. He said,

Well I don’t have to like the OHV stuff and the energy stuff, but that doesn’t mean it isn’t the way it should be done. And like I say it were I intimately involved, were I for instance her chief negotiator, I might come to the same conclusion having been given the same data.

Renewable energy production is now one of the largest debates of how the land should be used in portions of the New West. For some, the desert is a small price to pay in the fight to stop or slow down the threat of global warming, but for others it is the wrong route to take and will end up destroying more than it saves. The BLM manages the vast majority of the public land in the Mojave and Colorado Deserts, and their
multiple-use mission is to sustain the health and productivity of the public lands for the use and enjoyment of present and future generations. The Bureau accomplishes this by managing such activities as outdoor recreation, livestock grazing, mineral development, and energy production, and by conserving natural, historical, cultural, and other resources on public lands.\textsuperscript{10}

The policy of multiple use by the BLM may be one of the reasons there is so much agency gridlock and perpetuates the conflicts and battles (Cawley and Freemuth 1997). When the BLM decided to accept all those solar applications on the former Catellus lands, they were just doing what they were supposed to do. Renewable energy is another use on the public lands that the BLM has to manage among all the other conflicting uses, and fighting over where industrial wind and solar should be placed is someone else’s battle.

For someone who has no taste or appreciation for the desert, placing solar troughs and windmills seems not only benign but an obvious choice in combating global warming. The idea of a wilderness in the desert conjures up pictures of flat, dry, sandy, barren landscapes – nothing close to what a wilderness “should be.” In fact, “flat” wilderness was considered inconceivable at one point. Gerry Hillier is a former BLM employee, a staunch opponent of the CDPA ’94, and currently works as an advisor on federal lands issues to the San Bernardino County Supervisors. He joined us for a tour of the Soda Mountains proposed wilderness area along with some of Supervisor Mitzelfelt’s staff. We took the group to the sand dunes on the north side of the proposed wilderness. The dunes are quite spectacular and there were desert tortoise burrows everywhere. As

\begin{footnote}{http://www.blm.gov/ca/st/en/info/about_blm.html}

\textsuperscript{10}

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Hillier walked around he doubted that the holes were tortoise burrows and commented how flat the area was. He said that the mountains should be wilderness, *not the flats*, but opposed any of the Sodas designated as wilderness because of its potential for solar development and mining.

The idea of what should be considered wilderness is as much a political argument or an aesthetic ideal, as it is a relatively undisturbed ecosystem that deserves some form of protection. Even the idea of what is meant by protection or how we protect something is debatable. Do we limit access altogether or do we allow certain kinds of access or activity? Does an industrial scale solar field adjacent to a wilderness area make the wilderness less worthy of the designation? What about the cherrystems we carve out of the proposed areas allowing for vehicular travel? Having those cherrystems made the proposed wildernesses more palatable to some constituencies while making other groups angry. In the end it was about pleasing the important players and gaining support of the most vocal and influential stakeholders in order to achieve the goal of gaining more designated wilderness.

Most of the environmentalists agree that renewable energy development should go on already disturbed lands, but there were a few desert activists who believed that there should be no solar or wind anywhere in the desert. They firmly believed that the desert should not be sacrificed in order to light up Los Angeles, and rooftop solar was far more practical. They questioned why utility companies should profit from transmitting energy so far from urban centers when rooftop solar could feed back into the grid. In Brogden’s
and Greenberg’s case study in Arizona, residential sprawl is occurring and creating a
landscape that is being commodified and pushing out local users (in their case the
ranchers). In the desert, it is renewable energy development that is creating a
commodified landscape driven by the market and tax incentives, and taking advantage of
the popular view of the importance of renewable energy is the green versus green debate.
Do we stop global warming and the only way to do that is by industrial scale solar and
wind in the desert or do we save habitat, wildlife connectivity, and open space?
“Ultimately, at stake in these conflicts are not just the values and interests of these
groups, but how humans can inhabit landscapes and use natural resources sustainably”
(Brogden & Greenberg 2003, 289). Why destroy habitat and wildlife corridors, use
precious water, and forever alter the majestic views with thousands of acres of parabolic
troughs and large wind farms? Others counter that all that would be destroyed anyway if
global warming is not slowed. Even environmentalists who believe that some solar and
wind in the desert is acceptable, as long as it is in appropriate places, think that rooftop
solar is a better option. So even in this green versus green debate that the media hyps,
there is much consensus among the environmental community. However, there is also
much dissent and distrust.

Many Sierra Club desert members began to despise the National group because
they believed they had sold out to big solar and wind. It is true that the Sierra Club as
well as other large national groups had to shift their priorities to renewable energy
development because that was the new funding focus. Local members viewed the
situation as one that was being driven by money, whether it was the Sierra Club shifting
its goals for grant money, or politicians touting green jobs, or the developers making the altruistic argument that they were doing their part to halt global warming when in reality it was all about profit. As Brogden and Greenberg argue, resource users are driven by profits. With advancements in technology and increased demands globally it becomes an issue of maximizing profits with disregard for sustainability. "Nature is stripped of local meaning that may serve a necessary mediative role and becomes merely an array of commodities" (ibid, 290). The major decision makers are very distant from ecological systems they are impacting or relying upon especially when it comes to renewable energy development in the desert. The land itself becomes something that can be bought and sold or even utilized in a political campaign - a commodity. Nature has become commercialized and the damaging results, when loss of local autonomy occurs because of capitalist exploitation, need to be examined further with regard to the local and external factors in human-environment relations (Oxaal et al. 1975). As Blaikie and Brookfield have argued, “Land degradation itself is both a cause and a result of social marginalization” (Blaikie and Brookfield 1987, 23). The pressure to produce in hard economic times can cause the land manager, the city, the county, or the general public to make excessive demands. This also needs to be put in perspective and clarified during a time when job creation is the number one priority for elected officials. Whether it is renewable energy or some other development in the desert, in bad economic times the priority is on profit and economics not on sustainability or preservation.

In drafting the bill, many of the desert activists were thrilled with the Monument because it would prevent renewable development in over 900,000 acres of what they
considered pristine desert. However, they were also unhappy about incentives for solar
development in the desert. They did not want to accept the balance or the compromises,
and they felt they were left out of the negotiations on this issue also. In the Arizona case
study, as development increases, and various interests in certain landscapes collide,
community-based collaborative (CBC) groups have formed to resolve local conflicts.
"They will likely not succeed, however, unless participants can extend their purview and
influence to the policy level, where resource territorializations are defined and contested"
(ibid, 290). By getting the Monument included in a bill and moving renewable projects
into designated zones, local groups were able to influence the policy level but only
because they had the support of the larger national groups.

There are others who had concerns about renewable energy development including off-
road groups and the military. The Navy SEALS saw our proposal in Imperial County as
a way to prevent renewable projects near their base and within their training grounds.
The OHV community was worried that as environmentalists pushed solar and wind into
disturbed places that their riding areas would be infringed upon and they would lose. So
on one hand they wanted to fight renewable energy projects, but not at the expense of a
compromise that would force the projects into places that were important to them. Randy
Banis made this point when he said that he really had no reason to support the wilderness
portion of the bill. The Monument was excluding solar and wind projects but OHV use
would be continued. That was what was important to him and was a big win for the
OHV community.
CHAPTER FOUR

Organizing, Messaging, and the Hearing

Each environmental project propels us into a transformed natural and social world through the way it combines environmentally significant ideas, policies, and practices (Tsing 2001, 3).

The CDPA 2010 (S. 2921) was first introduced on December 21, 2009. Once it was introduced we were off running because now we had a real bill with language we could share with people. In the next two months, we had over 160 meetings and presentations with city officials, chambers, local leaders, and any other stakeholder who we thought would enhance our endorsement list and help us get the attention of Congressman Jerry Lewis. We had our Senate bill, but now we also wanted a House sponsored version and Lewis was the logical, though unlikely, choice. As I mentioned earlier, Lewis was a staunch opponent of the CDPA '94 and there were still bitter and angry feelings over the passage of that bill.

Our organizing team included someone from CWC (either Laurel or me or both in some cases), Chris Carrillo from the Senator’s office (James seldom joined us for these meetings unless it was with the real heavyweights), David Lamfrom or Mike Cipra from NPCA, and Meg from ORBA. Sometimes another off-road representative from AMA District 37 also joined us. Many times, a representative from TWC would also come to the meetings, but there was always some contention there, as TWC still did not want the wilderness in the bill. It was clear from the press after the bill was introduced that the controversy was over the Monument. The wilderness portion was hardly mentioned, but TWC did not want anything to stop the Monument from moving forward.
We called ourselves the “road show” as we traveled everywhere from Blythe to Needles and throughout the high desert. Strategically we thought it best to avoid Inyo County except to meet with the Lone Pine and Big Pine Paiute and the Timbisha Shoshone. The group worked closely together, and we knew that we were stronger together. We were the example of compromise and collaboration, and that won us quite a few endorsements. We knew when to push the wilderness or when it was better to focus on the OHV areas or special perks for the counties. We touted ecotourism when that seemed like the winning argument or we would delve into the details of working with the military and having their support. Meg would always state that “this is not your mother’s wilderness bill”, and I would tell the Navy SEALs story about the “50 dudes” and the SEALs “doing a damn good job because no one knew they were there.” We were quite the show and had our routine perfected. As good as we were, and as impressive as our endorsement list was, there were a few stakeholders we would never be able to get on board.

Due to the Brown Act 11, we were never able to meet with more than two elected officials at the same time unless we presented at an open city council meeting. We were hesitant to present in public until we knew we would have the city council’s support. We did not want anyone opposing the bill publicly, so we rather have no vote at all. When we met with the Apple Valley council members we had two who were supportive and

1 Government Code Section 54950-54963. Passed in 1953 to guarantee the public’s rights to participate and attend meetings with elected officials and legislative bodies.
two who were opposed. The fifth vote was up in the air but we were pretty sure we could get it. We had heard from others that two members on the Council hated each other and would vote the exact opposite side on everything. That was in our favor. We presented at the Council meeting. Meg, David, and I all spoke on behalf of the bill. In addition, Keith and Marc, both from AMA, made some terrific comments. Councilman Rick Roelle, who we knew opposed the bill, addressed Marc after he spoke and told him he had “drank the Kool-Aid” and criticized him for basically selling out to the environmental community. One other woman spoke that evening in opposition of the bill. She was a miner and commented that the bill would block future mining and the mineral needs of this country. In the end, Apple Valley voted 3-2 in support of the bill. Apple Valley was the only high desert city we would secure support from.

Victorville is the neighboring city to Apple Valley. We had several meetings with the Mayor who was in support of the bill. He gave us some advice on how to approach the other members, and said he would not call for a vote on the bill unless he knew we would get their endorsement. The Mayor kept his word and never called for a vote, but he was not very strong in expressing his support. We were asked to come back three times, and at the second and third city council meetings we were at the very end of long agendas. Hopeful that at the last meeting we would get a vote, and after a very prolonged night, Council Member Mike Rothchild called the bill despicable and said we would never get his support. We never went back to Victorville.
Many of the city councils we visited all asked if we had the support of San Bernardino County Supervisor Brad Mitzelfelt and Congressman Lewis or Congressman McKeon based on their district. We replied by saying that neither Congressman Lewis nor McKeon opposed but we did not have their endorsements yet. Many seemed reluctant to support a bill without their support first, especially Lewis’ support. Supervisor Mitzelfelt had been more vocal about the bill. While he did not want to see Route 66 “become a driveway for solar”, he also believed that the Monument and wilderness designations would tie up more land from development and the military. There were areas in the bill he outright opposed and he wanted to see release from wilderness or WSA status in other areas. He also wanted provisions included in the bill that would benefit San Bernardino such as language that would allow the bridges on Route 66 to be improved using timber rather than cement. Other requests required funding and the Senator had said there would be no appropriations associated with this legislation. We never got his endorsement and in turn never got the San Bernardino Board of Supervisors to support the bill.

So absent support in the high desert and from the Supervisors, we still needed to get Congressman Lewis’ attention. Messaging became an important component of our strategy. One of the ways we accomplished that goal was to have the right people talking about the bill at the right time. In August of 2009 we took Justin Landon, Congressman

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12 Congressman Jerry Lewis announced his retirement in early 2012. Supervisor Mitzelfelt is one of the candidates running for his seat.
Lewis’ legislative assistant on a tour of the proposed areas. On the tour, we made sure we included off-rovers and local business people. When we visited Washington, D.C. we brought with us a variety of constituencies that we believed would be important to the Congressman. The military was one of those groups.

Mark Starr, a veteran of the Persian Gulf and Iraq wars, is the program director for the Vets Voice Foundation. He was funded by one of our coalition partners to work on gaining support for the CDPA 2010. On one occasion he took a retired brigadier general on a tour of the desert. Starr wrote about it on the Huffington Post Blog site:

Retired Brigadier General Steven Anderson had this to say about America's public lands:

On a recent trip to the Mojave I was reminded of the beauty and glory of the desert. Millions of Americans visit public lands like this each year. It disturbs me deeply that these beautiful lands, America’s treasure, could potentially be harmed by speculative operations such as drilling and mining. Protection of our public lands is patriotic and the right thing to do. Congress needs to understand that once we have lost them, they are gone forever (http://www.huffingtonpost.com/mark-starr/veterans-free-national-parks-pass_b_1522218.html).

Starr also wrote about an Obama administration initiative that gave free passes to the National Parks to all active-duty military personnel and their families.

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*“Founded in 2009, the mission of Vet Voice Foundation is to mobilize veterans to become leaders in our nation's democracy through participation in the civic and democratic process. VVF seeks to harness the energy and drive of the dedicated men and women who have fought for their country, and put it to work at home and in their communities on the important issues they face, such as health care, jobs, the environment, and housing”* [http://www.vetvoicefoundation.org](http://www.vetvoicefoundation.org).
It's an understanding by the President, as well as the First Lady and Jill Biden (who head up the initiative), of the importance of public lands to those who served. This is an issue I've been personally working on for over a year, now.

It doesn't escape me that one of our greatest soldiers, Teddy Roosevelt, is the father of the conservation movement, which created so many of these publicly protected lands. Roosevelt fought for these lands in battle and he fought to protect them from irresponsible development and corporate greed. It's a tradition that has carried on, through generations.

Veterans spoke about protecting the public lands for all and the spiritual renewal they experienced in wilderness. Never did anyone question their message and they were always received well. While the military were effective in gaining support so was the business community. As people denounced the wilderness as Monument proposals as a “lock out” that interfered with potential development such as mining and renewable energy and even off-roading and would stifle job creation, having business on our side was vital. The off-road components of the bill allowed us to sell the bill as pro-recreation and a boom to local economies. We also argued that ecotourism is a much larger economic driver than mining. Mining was over and tourism was the new wave of prosperity. The owner of the Twentynine Palms Inn in Twentynine Palms accompanied us several times to DC to speak positively about the bill and what it would mean for his business if it passed. At the time of the hearing, the Morongo Valley Chambers took out this ad in a Redlands newspaper (Redlands is Congressman Lewis’ hometown) that said, “Preserving all this beauty and promoting business development. Good thing we don’t have to choose between protecting our lands and strengthening our economy” (Figure 31).
Preserving all this beauty...

And promoting business development: Good thing we don’t have to choose between protecting our lands and strengthening our economy.

That’s why the Chambers of Commerce of 29 Palms, Joshua Tree and Morongo Valley support the California Desert Protection Act of 2010. It will increase tourism dollars, improve recreational opportunities, and create jobs in renewable energy, while protecting the lands we call home.

Thank you Senator Dianne Feinstein and the many stakeholder groups who have worked hard to get the right balance and protect our quality of life.

Figure 31
After several months of meetings, we had over 100 organizations and individuals on the endorsement list (Appendix C). It was impressive, but we still did not have the San Bernardino County Supervisors nor did we have Lewis. In the meantime, the Senator had been pushing for a hearing and finally in May we got one.

The CDPA 2010 (S. 2921) received a hearing on May 20, 2010. Testimony against the bill was given by Harry Baker representing Cal 4WD, V. John White the executive director of CEERT, and Johanna Wald, a senior attorney for the NRDC. Speaking on behalf of the bill were David Meyers, the executive director of TWC, David Hubbard representing a number of off-road groups including ORBA and AMA District 37, and Pedro Pizarro, Executive Vice President for Power Operations at Southern California Edison (SCE). The three administrative agency representatives were Robert Abbey, Director of the BLM, Faye Krueger, Acting Associate Deputy Chief of the National Forest System, and Dorothy Robin from DOD. As I mentioned earlier, the CDPA 2010 contained a second section called Title II that dealt with energy related issues including fast tracking certain renewable projects, creating a mitigation bank to encourage private land development, and incentives for developing in designated zones. This section was dropped when the bill was reintroduced in January 2011. Much of the criticism of the bill from the government agencies was related to Title II, so I am not

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14 According to Wald’s testimony, “NRDC is a national, nonprofit organization of scientists, lawyers and environmental specialists dedicated to protecting public health and the environment. Founded in 1970, NRDC has more than 1.3 million members and online activists nationwide, served from offices in New York, Washington, D.C., Chicago, Los Angeles, San Francisco and Beijing.”
going to discuss that here. Overall, all three agencies were supportive of the “goals of S. 2921” and most of their concern had to do with management issues in their respective areas. Bob Abbey commented,

The Department of the Interior supports the goals of S. 2921 and has numerous substantive as well as minor and technical modifications to recommend. Generally the bill includes substantial workloads within short timeframes, which may be overly optimistic; we want to insure that the goals of the legislation can be realistically achieved. We look forward to working closely with Senator Feinstein, the Committee, and our federal partners as this bill moves through the legislative process.

Robin expressed DOD’s appreciation that S. 2921 took into consideration the military’s needs in Title I, cited specific examples and concluded her comments to Title I by saying:

Nevertheless, to ensure that our activities are protected, we must better understand the bill’s land management requirements in total, particularly as they relate to our ability to conduct testing, training, and operational activities and our responsibilities under the Endangered Species Act to protect threatened and endangered species and the associated critical habitat.

We see many potential benefits to the bill’s approach—namely, the designation of large monument and wilderness areas as off-limits to development. This approach may protect our installations from the encroachment that such development could cause. Having these areas protected may expand critical habitat and spread species management responsibilities over a larger area, thereby lessening the pressures on the species and on DOD’s land management responsibilities. Precluding development in these areas would also reduce the competition for limited water resources. On the other hand, the limitation of development in certain areas would likely steer development to other areas, which may not be compatible with our current and projected mission requirements in every case. Therefore, we need to conduct a detailed, site-by-site analysis in light of our current and projected missions to understand the full implications of Title I.

The full hearing and testimony can be found at:
http://www.energy.senate.gov/public/index.cfm/2010/5/hearing-6eec2049-007d-6557-f352-960d992d8cc1
We had expected DOD to be much more supportive since we felt that we had worked with them on every single issue in which they had a concern. In fact, we had gone out of our way to make sure DOD was happy. Robin’s last statement about a site-by-site analysis in our eyes had already been done, so hearing her comments was frustrating. However, none of the agencies came out opposing the bill as a whole, so that was a good thing.

David Meyers and Johanna Wald were the environmental witnesses, yet they were on opposite sides. Meyers of course spoke about the Catellus acquisitions and the promise that these donated lands would never be developed on and kept for conservation purposes. The bill had the full backing of TWC. NRDC had almost no issue with Title I of the bill. Their opposition was over Title II only, but the Senator’s staff and David Meyers felt a betrayal by the environmental community. This bill was about the Monument and protecting those Catellus lands. Title II was added so the Senator would not look like she was blocking renewable energy, but some of the environmental groups did not like her approach because they thought she was being too far reaching, too pro-renewable energy development, or not pro enough. Wald expressed it this way in her testimony:

Senator Feinstein’s legislation is an important step toward balancing America’s need to shift to clean energy as quickly as possible with the need to protect our precious wildlands. Coupled with support for its goals, however, we remain concerned about some aspects of the Energy title, Title II, which addresses features of renewable energy planning and siting. It is those concerns that our testimony will focus chiefly on today.

To summarize our views, we believe that this Title would legislate matters that should be left to the discretion of the Secretary of the Interior, given the fact that
renewables development on the public lands is in its infancy. The Interior Department, the BLM and indeed the nation would benefit greatly from the ability to learn from and adapt to experience gained with the permitting and operation of these new projects. We very much look forward to working with the Senator and with Committee members to address our general and specific concerns going forward.

As indicated, NRDC agrees with the overarching goals of the Senator’s legislation. First, we believe that our country does not have to choose between protecting our special places and having the renewable energy that we need to address the climate challenge. Senator Feinstein knows this as well and it is reflected in her bill.

In a footnote, NRDC made more specific comments pertaining to Title I. They were in favor of language that allowed for possibility of transmission line expansion and a provision that granted “right of first refusal” to solar developers who had applications within the Monument boundaries. Their one issue, and this was in a footnote, was with the proposed designated OHV areas:

…we are very troubled by the proposal to legislatively designate permanent off-highway vehicle recreation areas. In our view, land use decisions such as these are better left to land management agencies to make through their established planning processes.

For many in the environmental community within the desert, such as the Sierra Club Desert Group, Desert Survivors, and the DPC, NRDC was considered one of the “sell-outs” to renewable energy companies, and Johanna Wald’s testimony only reinforced that attitude.

Pedro Pizarro and V. John White both represented energy interests, yet these two were also on opposite sides. The Senator’s staff had worked very closely with the energy
companies such as SCE\textsuperscript{16}, much to the disappointment of desert activists who did not want to see legislative language making it easier for utility companies to expand transmission lines. However, having SCE supporting the bill was a huge coup that strengthened the fact that this bill was a \textit{compromise} bill. Pizarro’s testimony was very supportive and complimentary of the collaborative work between the Senator and SCE.

Senator Feinstein’s proposed creation of the Mojave Trails and Sand to Snow national monuments and the proposed expansion of the Death Valley, Mojave Preserve and Joshua Tree national parks are all within SCE’s service territory. There is probably no entity on which these new designations will have more direct impact than Southern California Edison, both as a transmission owner, and as a purchaser of renewable resources. We have worked long and hard with Senator Feinstein to make sure the proposals are good for our customers and employees and will help us meet the policy goals of the state of California.

I want to assure the Committee that SCE would not support this legislation if we believed it would endanger our ability to increase delivery of renewable energy to our customers…

\textsuperscript{*}According to Pizarro’s testimony “Southern California Edison (SCE), a subsidiary of Edison International, is currently the largest purchaser of renewable electricity in the country. SCE serves about 13 million people and 300,000 businesses over a 50,000 square mile service territory in southern and central California. In 2009, we delivered 13.7 billion kilowatt hours of renewable energy, representing approximately 17 percent of our customers’ energy consumption. Since 2002, SCE has entered into 61 contracts that are expected to deliver up to 31.2 billion kilowatt-hours per year of renewable energy. SCE signed contracts for every major renewable technology: wind, solar, geothermal, small hydropower and biomass. SCE is the nation’s leading purchaser of solar power, and procured approximately 65 percent of all U.S. solar generation for its customers in 2008. In February 2009, SCE executed one of the world’s largest solar deals. The series of seven “power tower” projects will provide up to 1,300 megawatts of solar thermal energy; they are to begin producing in San Bernardino County, California, starting in 2013.”
I want to take just a moment to point out the extraordinary steps that Senator Feinstein has taken to build consensus for this legislation. She led a group of stakeholders including Ted Craver, Chairman and CEO of Edison International, two of today’s panelists, Mr. Meyers and Ms. Wald, and others, on a tour of the proposed monument site. Seeing the natural beauty of California’s desert areas made it clear why Senator Feinstein is so passionate about this issue. This act would conserve these spectacular and sensitive lands for the benefit and enjoyment of future generations.

Decisions on where to site generation and transmission facilities require a delicate balancing act between providing electricity and protecting the environment. This legislation will help to achieve this balance. It is a win-win for the environment by conserving pristine land and promoting renewable energy projects. Senator Feinstein is to be commended for her leadership in developing a comprehensive approach that will spur renewable development in California and will provide new protections for vast portions of the desert.

CEERT’s executive director was not so complimentary. White started out by criticizing how renewable energy companies were left out of the conversations regarding land planning in the desert.

California and the Federal Government have a long history of desert conservation that spans the legacy of the late Senator Alan Cranston and culminated with the passage of Senator Feinstein’s California Desert Protection Act in 1994. In addition to Senator Feinstein’s legislation, the Bureau of Land Management adopted the West Mojave Management Plan, which further restricts development in the critically important West Mojave; home to some of the best solar radiation land in the United States. These desert protection efforts, while critically important for wildlife conservation, wilderness and recreation interests, largely failed to consider or evaluate future development needs and opportunities for the abundant and strategic renewable resources, which lie within California’s desert.

Even though California launched the global wind and solar industries in the 1980’s, our state and the federal government fell asleep shortly thereafter, lulled by low energy prices and electricity deregulation. When desert conservation and recreation planning efforts were launched in the 1990’s in California, everyone was at the table except the renewable energy industry and renewable energy advocates. Consequently, vast tracts of land were set aside for habitat conservation for protected species, along with expansion of military lands,
recreation, and wilderness. But virtually no land was reserved for renewable energy in areas with some of the highest solar radiation in the world. This failure to identify and reserve areas for solar and wind development has come back to haunt California and jeopardize the strategic national interest in renewable energy.

White also commented on land already designated for conservation purposes or restricted to other uses and warned that only areas truly worthy of a conservation designation should be considered:

We support the protection of lands for conservation purposes, but believe that protection should be accorded for those lands that have true conservation value, not just all lands that are available for that purpose. In so doing, we can prioritize our conservation objectives without unnecessarily eliminating the best sites for solar and wind energy…

Part of the challenge involves identifying areas where renewable development would not be restricted due to other designations and protections. Of public lands in the California desert, 4.8 Million acres are protected for the Desert Tortoise and 1.7 Million acres for the Mohave Ground Squirrel, a state-protected species. Although the Mohave Ground Squirrel management area allows 1% of the covered land for development, BLM has, so far, been unwilling to designate even a fraction of 1% of this land for solar development in this most valuable solar resource area. Seven hundred thousand acres are open to off-highway vehicle use. Furthermore, two large military training facilities lie within in the most productive and valuable solar lands in the Mojave Desert; China Lake and Edwards Air Force Base, which together comprise 1.4 Million acres.

Harry Baker and David Hubbard both represent off-road interests, but their views on this bill could not be farther apart. Hubbard started his testimony by discussing the nearly billion dollars pumped into the economy by the off-road industry, but while OHV recreation has increased, places where they can ride and camp have decreased. Like
Pizarro, Hubbard also touted the tremendous cooperation that went into drafting this bill, but he also elaborated on the uniqueness of this collaboration:

…it is with great skepticism that my clients receive news of a fresh piece of legislation seeking to “protect” the California Desert. Such statutes almost always cause further erosion of recreational access to the public lands of the state. My clients are never consulted, their interests are disregarded, and they are forced to do more with less.

But every once in awhile, there is something new under the sun. The bill currently under review – the “California Desert Protection Act of 2010” – represents a radical departure from the way desert land use legislation has typically been developed. Rather than shove the bill down our throats, Senator Feinstein’s staff asked for our input early and often, and then did the same with other stakeholders, including key conservation organizations, energy interests, and the Department of Defense. The big surprise was not that we had disagreements on some issues and on the wording of certain provisions. We all kind of expected that. The big surprise was that we had so much in common.

Let me give you some examples.

- We agreed that OHV use and camping in the California Desert are important recreational activities that warrant federal recognition and protection.
- We agreed that there are some places in the California Desert where such activities are appropriate and can be enjoyed with relatively minor environmental impacts.
- We agreed that there are some places in the California desert where OHV use is not appropriate, where the potential for damage to natural and cultural resources is simply too high to allow vehicle access.
- We agreed that new National Monuments and New Wilderness Areas could be created without reducing existing OHV routes and use areas.
- We agreed that renewable energy exploration, while important to the nation and feasible in certain parts of the desert, must not trump conservation efforts and recreational use.
- We agreed that renewable energy project projects deserved a streamlined permitting process.
• We agreed that, with creative land use strategies, the expansion of the Twenty-Nine Palm Marine Corps Base, which is vital to our nation’s security, could be accomplished without significant loss of recreational opportunity or natural resources.

These “agreements” did not come easy. Nor did they come cheap. Everybody had to bend. Everybody had to compromise. There were hurt feelings, bruised egos, and internal feuds within each stakeholder camp. Yet we kept it together. We kept moving forward, making progress – largely because of the excellent leadership of the legislative staff and the open-mindedness of the groups involved.

Are there members of the OHV community who oppose this bill? Sure. There are some who hate it, who view it as a travesty and a betrayal. You will hear from some of them today. But as much as I respect their opinion, I think they are missing the point. Worse, they are missing a great opportunity to recast the old debate between OHV recreation and environmental protection, and advance the somewhat more recent debate between public access and renewable energy development. In short, they are missing the chance to shape land use in the California Desert for the next 50 years. They want to fight the same old battles, using the same arguments and tactics, which, in the past, have failed to produce, enhanced recreational access, improved environmental protection, or a sound alternative energy policy. The current bill represents a new step forward – a paradigm shift that is long overdue (emphasis mine).

Hubbard’s words were the culmination of the all the outreach and negotiation that had taken place over the last three years, and it was validating. Harry Baker had a different perspective. He started his testimony with this:

The California Association of 4 Wheel Drive Clubs is opposed to S. 2921. We oppose legislation that restricts the public’s access to public lands. We oppose the creation of new National Monuments and Wilderness areas that withdraw lands from public access and close existing routes. We oppose the creation of new Wilderness areas that do not meet the standards of the Wilderness Act of 1964, which established the National Wilderness Preservation System. We oppose legislation that attempts to close any area or route of travel without verification of the economic impact to the area. And we oppose legislation that proposes to use public lands for development on private land.
… This legislation is really about changing the classification of public land, to please special interest groups, and not because these lands present an opportunity to protect a special environment.

Baker went on with specific examples from the bills and how they would affect OHV use in the desert. His arguments were framed around access and the criteria of wilderness:

The bill proposes to take land that was purchased by the federal government, with no caveats, and protect it from development for a special interest group and thereby eliminating other groups from using it. Any and all land that is taken out of exploration, recovery or production of natural resources makes us more dependent on other areas and even foreign countries, like China, for our future needs…

This proposed bill would increase the areas that are wilderness in the California Desert District, which already has more than 9 million acres of Wilderness. While some of these proposed areas are currently Wilderness Study Areas, there is additional land being included as wilderness which in our opinion is an attempt to further restrict alternative energy development and curtail any future development of mining, expansion of military bases or any other types of land use. These new wilderness areas would be on lands managed by the National Park Service, the U.S. Forest Service and the Bureau of Land Management. Much of the land that is proposed for wilderness does not meet the criteria for designation as set forth in the Wilderness Act of 1964, which established the National Wilderness Preservation System. There are more that 14 million acres of Wilderness in California and we believe that enough is enough.

Even the Special Management Area, the ultimate compromise between the conservation side and Walter’s Camp was part of the “lock up” of federal land.

A Special Management Area, of 76,000 acres, is proposed of which 49,000 acres will be managed as potential Wilderness. Again we see this as an attempt to lock up more land in the guise of protection, to block out alternative energy, other natural resource development and public access. This special management area
and potential wilderness is also catering to a special interest group, which wants the land removed from potential development.

He concluded by saying,

This proposed legislation is about more than vehicle use, alternative energy and National Monuments, it is about limiting public access to public lands, catering to special interests, removing land from potential alternative energy development, blocking the military from further expansion for national defense needs, and ignoring the economic impact to the surrounding areas. This proposed legislation is using the terms; conservation, recreation, special management areas and renewable energy to push a goal of locking up the California Desert and ultimately all public lands to all forms of entry and use.

We cannot support legislation, which has been conceived and championed by special interest groups as being what the majority of Californians need, or wants and supports

We respectfully request that field hearings be held in the areas that would be affected by this legislation to allow the local communities and desert visitors to have their voices heard, and that all the current and cumulative financial ramifications be fully examined.

After the hearing was over, Harry pulled me aside and asked me to take a picture of him in front of the dais. I did, and then he jokingly said to me that he hoped I really took the picture.

There were only a few Committee members present for the hearing. Senator Murkowski (R-AK) was the most vocal expressing concerns about energy needs. We were excited that we got a hearing and were hoping for a markup in the next few months. That never happened, and the bill died that session.
CHAPTER FIVE

Control, Access, and Negotiations

As of June 2012, Congress has not passed The California Desert Protection Act. The 111th session of Congress ended at the end of 2010 and the bill never even received a markup. The Senator reintroduced the bill in January 2011, and to this day it remains stuck in Committee with no hearing scheduled. The current Congress, especially the House of Representatives has been unwilling to move wilderness bills, even Republican sponsored bills, non-controversial bills, or bills like the CDPA 2010 that have numerous compromises and a large amount of diverse support. It appears this bill will die again and the Senator can reintroduce it next session if she chooses.

In the meantime, all of the renewable energy applications that were within the Monument boundaries are gone. Energy zones designated by the federal government are going through the environmental assessment process and there have already been some victories for the environmental side during the programmatic environmental impact statement (PEIS) such as deleting two of the proposed zones and reducing the boundaries of others. Wilderness is seldom mentioned in the media, but the renewable energy debate is a hot topic especially when the press can highlight the green versus green fight. Many members of the local Sierra Club Desert Group have turned away from the national group and accuse the other large groups such as the Natural Resources Defense Council and The Wilderness Society as selling out to the renewable companies. Meanwhile, the largest industrial solar plant is under construction in the Ivanpah Valley near the California – Nevada border. Early claims estimated that there were only about 200 desert tortoise in the area, but two independent
studies by biologists have concluded that there are well over 1,200 tortoise. The BLM temporarily halted construction for further analysis but the Department of the Interior at the highest levels overturned that decision. Brightsource’s Ivanpah project is touted as an example of green jobs. The Center for Biological Diversity, arguably one of the biggest litigators in the environmental community, is not suing Brightsource over Ivanpah. Brightsource knew CBD would sue, so they struck a deal with them early on, and the details of that negotiation are confidential.

The bill itself is a significant piece of legislation because it is an attempt to negotiate the conflicting values and constructions of landscape that lead to arguments over access, control, and use in the California desert. It is Senator Feinstein’s bill but included the input of dozens of stakeholders such as the environmental organizations, off-roaders, elected officials, renewable energy developers, and individual people who made the effort to get involved because they had something at stake, and it was shaped ultimately by her staff. Unlike classic political ecology case studies with the big, powerful player on one side and the marginalized peoples on the other, the desert conflict has no marginalized group. I would argue that the Mojave itself is marginalized by big-environment, big developers, big off-road industry, and big military, to name a few. However, the process of crafting this bill is a lesson in negotiation and power struggles between those groups. The history of this bill can help us understand the changing economy of the desert and how that leads to the production and destruction of space; who determines the resource control on public lands; the fights among interest groups and the
strategies to resolve them; and the overall struggle to find the center that can actually make improvements both ecologically and economically.

The Old West was home to the miners and ranchers who practiced their trades without controversy with the general idea that they were contributing back to the country and to their local communities. The Old West was the frontier with all the hopes and opportunities it held for a rapidly growing America and for the individual who wanted to tackle it. For many, the Old West held the promise of open space, riches, and adventure. The New West no longer wants the miners and ranchers, and the promise of open space is a highly contested one. The New West looks to housing development, ecotourism, and preservation as it becomes increasingly urbanized. The public lands are the center of conflicts over access and control, and use. The values of the Old West regarding land are not the same values that persist today.

The California desert epitomizes disputes over the perceptions and aesthetics of landscape, how the state and capital shape the landscape, and ultimately how the land should be used and who gets to decide. "Predictive discursive strategies assist this process, often villainizing the historical user personally, culturally, and for degrading the natural system" (Brogden and Greenberg 2003, 291). In the desert, most of the grazing is gone and mining has dwindled. Transmission lines, wind and solar development, and off-road use are the largest threats. The housing boom has created some encroachments also.

Walker and Fortmann discuss how the various stakeholder groups aligned themselves. It appears that coalitions collaborated along similar lines - ranchers with
ranchers, environmentalists with environmentalists, and so on; those alignments occurred along the lines of visions and perceptions of the landscape. The timber industry aligned themselves with property rights advocacy groups arguing against “an anti-human wilderness romanticism" in favor of a landscape where "humans are masters of nature" (Walker and Fortmann 2003).

For most of the desert conflicts, the lines were not drawn in the same coalition groupings but not necessarily because of differing visions and perceptions of landscape. Rather lines appeared to be drawn based on two reasons: 1) How a group thought about use and access of the federal land; 2) How a group viewed the process — as a zero sum game or if they believed the only way they could get anything was by working together and finding a consensus. This became clear during several of the negotiations.

Conclusion

The multitude of land users in the California desert makes the issue of federal land use even more complicated. The military, miners, off-roaders, ranchers, hunters, rockhounds, campers and hikers, environmentalists, residents, second home residents, business owners, Native American tribes, tourists, and renewable energy companies are all competing for land in the desert. Each one has an argument for why they have a right to be there, which include recreational opportunities, having a right to the land (Tribes argue this and so do anti-government/pro-access groups), providing clean energy in the fight against global warming, and protecting the ecosystem so future generations may enjoy it. The miner will tell you that most environmentalists have cement driveways, drive on asphalted roads, use electronic technology, and may even have granite counter
tops, all of which comes from mines.

This study reveals that approaching these conflicts in terms of a win-lose binary will not help solve anything because it is not as simple as that. It is not just a fight over allocation of resources. An understanding of the historical and cultural context and the perceptions and values concerning conservation and wilderness is as important as understanding the economics or ecological aspects at stake. In order to achieve sustainability, competing claims to resources must be resolved through collaboration and consensus building. “Conservation is basically about cooperation and about fair play in both cooperation and competition” (Few 2002). Few concludes with three key points regarding power. "Power is dispersed throughout society, rather than concentrated solely in the hands of the 'dominant;' power is entangled in social relations between agents that differ in their interests, identities and resources; and social power is articulated through complex mechanisms including tactics of negotiation" (ibid 2002). The conflict over the desert lands is an example of these power relationships.

As we campaigned for the desert bill, we encountered a vast number of desert users. Each of these groups had their own agenda and almost all of them came from outside of the desert region. Like Nevada County, the desert stakeholders represent a diverse range of visions reflecting the variety in economic and cultural positions. "Thus, competing social groups struggle through a political process to limit or redirect the course of change toward a future landscape consistent with their politics that in turn reshape the landscape" (Walker and Fortmann 2003). Many were bitter over the CDPA ‘94 and swore that Senator Feinstein promised she would never do another desert bill. Others
were angry over the perceived “land grab” and government control, while others simply
did not see the desert worthy of wilderness designations – they believed the best areas
had already been designated and enough was enough. Still others wanted more
wildernesses, no open routes, and a moratorium on off-road vehicles and mining all
together. In all this, no one group was marginalized — not the off-roaders, military,
conservationists, or developers.

Walker argues that the current challenge for political ecology is to combine local
scale analysis with large scale, structural factors. Moreover, it is important to understand
that regional processes mediate these factors, which is why further regional studies need
to be done “that may collectively build an understanding of the political ecology of the
rural American West” (Walker 2003, 16). Brogden and Greenberg contend that
complexity theory and political ecology offer structure for understanding complex
environmental issues (Brogden & Greenberg 2003). Blaikie stresses the importance of
compromise for resource utilization and environmental protections using a “bottom-up
approach beginning with actual people making decisions on how to use the land” (Blaikie
1985, 107). The CDPA 2010 is an excellent example of local people coming together
with policy makers to inform a process through consensus and shared goals even when
values differed. The legislation is also a planning bill that if passed, will play a large role
in shaping the desert landscape and settling conflicts over public land designations in the
California desert.
References


Appendix A

CWC’s Proposed wilderness assessment form

Area name:
Approximate size:
Agency:
County:
County supervisor:
Congressional district:
Description, including key social & ecological values (cite sources of information):

Potential conflicts:

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<tr>
<th>ISSUE RESEARCHED</th>
<th>PEOPLE CONTACTED</th>
<th>CONFLICT? IF SO, DESCRIBE</th>
<th>PROPOSED RESOLUTION</th>
<th>NOTES</th>
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<td>Adjacent private land?</td>
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<td>Agency failed to recommend the area for wilderness in management plan?</td>
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<td>Closed road in area?</td>
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<td>Communication sites?</td>
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<td>Fire: existing fuelbreaks?</td>
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<td>Fire: urban interface?</td>
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<td>Fish stocking?</td>
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<td>Gas claims?</td>
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<td>Grazing allotments?</td>
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<td>Guzzlers?</td>
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<td>Lack of legal public access?</td>
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<td>Major noxious weed infestations?</td>
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<td>Marijuana cultivation?</td>
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<td>Military debris?</td>
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<td>Military training activities?</td>
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<td>Mining claims?</td>
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<td>Mountain bike use?</td>
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<td>Native American concerns?</td>
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<td>Non-federal lands other than private property?</td>
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<td>Non-native animal issues?</td>
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<td>Oil claims?</td>
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<td>Open road in area?</td>
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<td>Pre-existing damage from resource</td>
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<td>Proposed development projects?</td>
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<td>Proposed resource extraction projects?</td>
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<td>Released by a previous bill?</td>
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<td>Rock climbing area?</td>
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<td>Structures (non-historic)?</td>
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<td>U.S.-Mexico border issues?</td>
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<td>Unauthorized ORV routes?</td>
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<td>Utility rights-of-way?</td>
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<td>Wildlife management issues (other than guzzlers)?</td>
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**Conclusion regarding what to do with the area:**
Appendix B
carefully considered before any renewable energy siting decisions are made. I assure you that
every effort will be made to avoid the most environmentally sensitive and valuable areas.

Conversely, as you develop the legislation you mentioned, I hope the Nation's renewable energy
needs will also be considered in your proposal. I firmly believe both national priorities —
developing renewable energy and preserving our treasured landscapes — can be accommodated
with careful siting and mutual consideration.

Public involvement is a critical part of the BLM's multiple use mandate, and the public is, and
will be, heavily involved in both establishing energy zones and addressing those applications that
have already been filed.

I understand your concern and respect your views in this matter. I look forward to working with
you on this important effort.

Sincerely,

[Signature]

Kenneth L. Salazar

03/20/2009 9:08AM
Appendix C

Supporters of California Desert Protection Act of 2011

Local Governments & Elected Officials
Riverside County Board of Supervisors
San Bernardino County Supervisor Neil Derry
Big Pine Paiute Tribe
Timbisha Shoshone Tribe
City of Apple Valley Mayor Scott Nassif
City of Apple Valley
City of Banning
City of Barstow Mayor Joe Gomez
City of Calimesa
City of Calimesa Councilmember Ray Quirto
City of Calimesa Councilmember Hyatt
Cathedral City
Cathedral City Mayor Kathleen DeRosa
City of Desert Hot Springs
City of Indio Mayor Lupe Ramos Watson
City of Palm Desert
City of Palm Springs
City of Redlands
City of Redlands Mayor Pete Aguilar
City of Redlands Councilmember Jon Harrison
City of Riverside Mayor Loveridge
City of San Bernardino Mayor Pat Morris
City of Santa Clarita
City of Vista
City of Yucaipa

Chambers of Commerce & Civic Groups
The California Chamber of Commerce
Barstow to Keiko Railroad Committee
Coachella Valley Association of Governments
Coachella Valley Conservation Commission
Death Valley Chamber of Commerce
Joshua Tree Chamber of Commerce
Monday Morning Group of Western Riverside County

Published on Campaign for the California Desert (http://www.californiadesert.org)
Morongo Valley Chamber of Commerce
Greater Riverside Chamber of Commerce
Redlands Chamber of Commerce
Southwest California Legislative Council
Sunset Rotary Club of Yucca Valley, CA
Twentynine Palms Chamber of Commerce

Utility & Energy Companies
Edison International (parent company of Southern California Edison)
Los Angeles Department of Water & Power (LADWP)
Pacific Gas and Electric (PG & E)
Sempra Energy
Abengoa Solar

Businesses
ARCHIFACTS - Architectural Artifacts & Sustainable Design Resources, 29 Palms, CA
Betinda Sande Sales
Big Iron Metalworks Joshua Tree, CA
Bollinger Consulting Group- "Landscape solutions for a thirsty world."
Camelbak
C-R Bar
Desert Communities Association of Realtors
Eagle Creek
Elite Land Tours, Palm Springs, CA
EnviroSports
Horny Toad
John Dittli Photography, Crowley Lake,CA
John Durr Mining Consulting, Joshua Tree, CA
Joshua Tree Rustic Modern Rentals
Michael Gordon Fine Art Photography
Mojave Desert Excursions, Joshua Tree, CA
Nau
Ocean Minded
Palm Springs Photography Festival
Patagonia
Pink Jeep Tours
Prana
Sam's Market Joshua Tree, CA
Sam's Pizza and Indian Food Joshua Tree, CA
Sam Roberts Photography Mammoth Lakes & Milbrae, CA
Seaport Lighting, Inc. Palm Desert, CA
Sorensen's Resort
Spin and Mancie's Desert-Hide-Away
Stitch & Art Studio- Award Winning Embroidery Digitizing

www.californiadesert.org/print60
STM Bags
The North Face
The SunRunner Magazine
Tumbleweed Photos, Yucca Valley
Vern Clavenger Fine Art Gallery, Mammoth Lakes
Wilderness Press
Windwalkers Pottery & Home Decor Joshua Tree, CA

Organizations & User Groups
Amargosa Conservancy
American Motorcyclist Association, District 37
American Motorcyclist Association, National
Blue Ribbon Coalition
California Desert Public Affairs Institute
California Wilderness Coalition
California for Western Wilderness
Desert Protective Council
Friends of Big Morongo Canyon Preserve
Friends of the Desert Mountains
Friends of the Inyo
Friends of the River
Joshua Tree National Park Association
 Mojave Desert Land Trust
Mojave National Preserve Conservancy
Morongo Basin Cultural Arts Council
Motorcycle Industry Council
National Parks Conservation Association
Off-Road Business Association
Pacific Crest Trail Association
PEW Environment Campaign for America’s Wilderness
Route 66 Preservation Foundation
San Bernardino Valley Audubon Society
San Fernando Valley Audubon Society
Sky’s the Limit Observatory and Nature Center
SummerTree Institute
The Conservation Alliance
The Forest Group
The Wilderness Society
The Wildlands Conservancy
Transition Habitat
www.socalwild.com [1] (California wildlife website)

Community Leaders
Barbara Durham, Timbisha Shoshone Tribe
Brian Brown, Chinese Ranch Date Farm
Brigadier General Steven Anderson, Retired
Crystal Crawford, Solano Beach Candidate for
State Assembly
Dr. Adrian Treves, Carnivore Coexistence
Laboratory, University of Wisconsin Madison
Gerald Freeman, Hotel Nipton
Huell Howser, Television show personality and producer
Marcia Bond, General Manager Barstow Hampton Inn
Mary-Austin Klein, Landscape Painter, 29 Palms & LA
Paul Smith, Owner 29 Palms Inn
Susan Sorrels, Owner-Operator Shoshone Village
Wayne Austin, CEO, California Welcome Center

Source URL (retrieved on 08/15/2012 - 2:40pm): http://www.californiadesert.org/supporters

Links:
Appendix D

BEFORE THE BOARD OF SUPERVISORS, COUNTY OF INYO

RESOLUTION No. 2002-34

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF INYO, STATE OF CALIFORNIA, REGARDING PROPOSED LEGISLATION EXPANDING THE WILDERNESS SYSTEM ON THE INYO NATIONAL FOREST AND BUREAU OF LAND MANAGEMENT LANDS MANAGED BY THE BISHOP FIELD OFFICE IN THE EASTERN SIERRA REGION

WHEREAS, this Board of Supervisors has considered public input, both written and verbal, on various proposals to designate additional Inyo National Forest and Bureau of Land Management Bishop Resource Area lands as Wilderness; and

WHEREAS, there has been wide public discussion in Inyo County regarding proposals to expand the Wilderness System in the Eastern Sierra region; and

WHEREAS, the residents of Inyo County, through the participatory and inclusive processes of the Inyo 2020 Forum, identified the protection of agricultural lands and access to public lands as priorities for action, as well as a desire to increase citizen involvement to ensure that decision making at all levels of government reflect an understanding of local residents and their concerns; and

WHEREAS, the 2001 Inyo County General Plan Update Goals and Policies Report identifies policies to preserve and protect a variety of recreation opportunities, appropriate access to resource managed lands, current and future extraction of mineral resources and use of public land for agricultural operations; as well as goals to provide for a balanced approach of resource protection and recreation and resource use of lands in Inyo County; and

WHEREAS, continued access to public lands and the maintenance of land uses on public lands such as recreation, grazing, packing, and mining are important components of the social and economic health of Inyo County and its communities; and

WHEREAS, this Board of Supervisors has a role in the process of determining changes to public land designations, the nature of public land access, or public land management prescriptions in Inyo County; and

WHEREAS, this Board of Supervisors cannot support the April 26, 2002 Discussion Draft of the proposed “California Wild Heritage Wilderness Act of 2002,” or future iterations or revisions of this proposed legislation, without adequate protection of the overall environmental, social, and economic character of Inyo County.

NOW, THEREFORE, BE IT RESOLVED that, the following concerns and issues be addressed in considering the April 26, 2002 Discussion Draft of the proposed “California Wild Heritage Wilderness Act of 2002” or future iterations or revisions of this proposed legislation expanding the Wilderness System in Inyo County:
Provide opportunities to obtain local consensus and support for any changes to public land designations in Inyo County and address the concerns of residents and public land users;

2. Ensure, through prior economic analysis, that Inyo County’s communities and businesses will not be adversely impacted by changes to public land designations;

3. Protect existing recreation, grazing, packing, mining, research, archeological and cultural uses on federal lands, including access;

4. Protect private property rights; including vested water rights, and access to private land inholdings and other lands that may be affected by adjoining federal land acquisitions;

5. Ensure there is no net loss of privately owned property in Inyo County as a result of expanded Wilderness designations; and

6. Ensure there is no net loss in revenues to local governments necessary to provide and maintain essential public facilities and services.

BE IT FURTHER RESOLVED, that this Board of Supervisors directs staff to actively represent the County’s issues and concerns throughout the legislative process, particularly in the Congressional committee mark-up, hearings and amendment processes.

PASSED AND ADOPTED THIS 7th DAY OF MAY, 2002, BY THE FOLLOWING VOTE:

AYES: Supervisors Aronstein, Bear, Lent, Hambleton and Dorame

NOES: -0-

ABSTAIN: -0-

ABSENT: -0-

[Signature]
Linda Aronstein, Chairperson
Inyo County Board of Supervisors

ATTEST:
RENE MENDEZ
CLERK OF THE BOARD

[Signature]
Assistant