

Federal protection may not cover much of desert

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Congress is considering permanent protection for 26 million acres of beautiful and historic landscapes in the American West, but has quietly excluded millions of acres of California desert.

In a system that would rival the national parks and forests, the National Landscape Conservation Act would unify the management and funding for areas such as the original Pony Express National Historic Trail, Lewis and Clark National Historic Trail, a million acres of Alaskan caribou calving grounds, 38 wild rivers, Utah's Grand Staircase-Escalante National Monument, and a tiny ghost town near the Mexican border.

But more than half of the 10.6 million-acre California Desert Conservation Area, which stretches from the Mexican border to Mono Lake, has been dropped on technical grounds. Because the word "national" isn't in its title, the conservation area doesn't qualify, according to U.S. Bureau of Land Management attorneys.

Environmental watchdogs and some land bureau employees say the California area, created by Congress in 1976, is the cornerstone of the fledgling national system. They say the semantics hide political motives: Utility companies have proposed hundreds of miles of electrical transmission corridors through California's deserts, and off-road vehicle enthusiasts oppose further regulation of the area.

"I don't think this is a technicality at all ... That's a huge hit to desert conservation in California and the Southwest," said Daniel Patterson, director of the southwest office of Public Employees for Environmental Responsibility, which represents whistle-blowers in government agencies.

The bill does include the King Range National Conservation Area, the Headwaters Forest Reserve, the Santa Rosa and San Jacinto Mountains National Monument, and just under half – 3.7 million acres – of the desert conservation area. Not included are more than 6 million acres of desert. Some of the land has been used for mining and off-roading, but much of it remains pristine, wide-open space.

Patterson said that if the bureau's entire California desert system isn't part of the national system, its conservation designation "would be a protection in name only ... The California BLM will lose funding, they will lose staff, they'll lose what conservation focus they might have."

He said the excluded desert lands, including visually stunning and ecologically important areas such as Afton Canyon and Big Morongo Preserve, would be more at risk from proposed transmission-line corridors, among other projects. In addition, he said, "it could be expanded to off-roading, it could be

expanded to mining, it could be expanded to land sales for Southern California urban housing sprawl. It's just a loss."

Others were relieved that major portions of the desert would not come under tighter rules.

"I'm worried about the people who own private land (inside the conservation area), the off-highway users, the ranchers, the miners, the loggers ... the recreation access to people who just like to go collect rocks," said Chuck Cushman, head of the American Land Rights Assn. "When you put an overlay of national park-like regulations over these lands, you just cut off Americans from those lands."

Although staff members for U.S. Rep. Mary Bono (R-Palm Springs) say she is reluctant to amend the House bill to include the California land, Sen. Dianne Feinstein (D-Calif.) said she will push to fix the 7-million-acre "glitch" in the Senate version.

In many cases, bureau land is open to multiple uses, including mining, grazing and off-road driving. There are no guided tours and few rangers. Officials said that management approach would remain on the national landscape lands.

"There is hunting. There will be no hotels. You can camp pretty much anywhere you want," said Elena Daly, head of the bureau's program that could win permanent protection from Congress.

She said the program also stresses collaboration with local communities, including "sustainable ranching."

Daniel Pfiefer of Costa Mesa is torn by the proposed legislation. Pfiefer, who had just finished a three-day off-road trip along the ancient Mojave trail this week, said he appreciates the difference between national park and land bureau conservation lands. "We came through some national parks areas. You cannot get off any road at all. You can't even have a ground fire in national parks ... But the BLM areas are very friendly. They don't want you driving out all over the place, it's a 'tread softly' kind of thing. I'm very happy with the way it is right now."

Although he hates the way rogue off-roaders "trash" pristine areas by cutting illegal paths and dumping garbage, the bill proposed by Congress, he said, makes him nervous.

"As a person that absolutely hates rules and regulations myself, I have such a difficult time with it, because I do so much love the outdoors, and I do so much love going out and Jeeping across the trails.

"Being an off-roading enthusiast, it scares me to think that if the federal government starts putting their fingers into it, and start sectioning off any portions of the desert, then closing it off is not far behind."

The national landscape conservation system was created in 2000 by outgoing Interior Secretary Bruce Babbitt to pull together and protect hundreds of conservation areas, monuments, wilderness study areas and other "orphans" of the federal bureau. All of the bureau's California desert lands

were included. Unlike the proposed law, Babbitt's executive order can be rescinded by the current or future Interior secretary.

"A constant threat is that it could be dissolved and dismantled at any point in time, with the many properties truly becoming 'orphans,'" Ian Wilson, spokesman for the nonprofit Sonoran Institute, a Tucson-based environmental policy group, said about California's desert area.

Interior Secretary Dirk Kempthorne supports the bill as written. A broad coalition of more than 70 outdoor sports, environmental, historical preservation and religious groups is pushing for passage of the legislation, which would also establish a line item in the federal budget for annual funding.

Currently the program receives \$50 million a year.

"I think we are all about to witness the next major conservation system for the United States," said Daly on a recent tour of several program sites, including the Las Cienegas National Conservation Area grasslands that stretch for 48,000 acres outside of Tucson.

It is hard to see the difference on the ground between some of the included and excluded areas. The Las Cienegas area is named for the Hundred Waters creek that flows across the Sonoran desert floor between mountain ranges in the Sky Island region, its willow and cottonwood-lined banks providing shade and forage for 230 bird species. "Oklahoma" and "Red River" were filmed on the sweeping grasslands decades ago, and ranchers and land bureau managers have laboriously ripped out invasive mesquite that is overtaking the grasses.

Five hundred miles to the west, the Mojave River bubbles up out of the parched desert in Afton Canyon, nourishing more than 180 bird species. Hundreds of films, including "Letters From Iwo Jima," and "Kill Bill" were filmed in the desert area.

Daly says it's not her job to tell Congress whether some or all of California's deserts should be included. But she said it's not too late for the omitted lands to be added, if that's what Congress wants.

"The bill is in draft form," she said. "It's not a done deal."

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