

Land Protection

PRESERVE BOUNDARY

Official Maps and Authorized Acreage

Background

Section 502 of the California Desert Protection Act established the Preserve and cited the acreage at approximately 1,419,800 acres. The Congressional maps delineating the boundary of the Preserve and referred to in section 502, are dated May 17, 1994, are often commonly called the "S-21 Maps." This set of 21 blueline map sheets provided the basis for the National Park Service to prepare the official boundary maps and legal description. The National Park Service prepared the official boundary maps (seven map sheets dated July 1996) according to section 504 and submitted them to Congress in August 1996, completing the legislative process of preparing official boundary maps of the Preserve. These maps are on file with the superintendent for inspection. All maps provided in this document reflect the official boundary.

The acreage of the Preserve identified in section 502 was estimated based on calculations done manually, and apparently did not include some private lands in Lanfair Valley. However, sections 516 and 517 of the California Desert Protection Act provide authority to acquire **any** lands within the boundary of the Preserve (under certain conditions prescribed), and that acquired lands automatically become a part of the Preserve. The National Park Service interprets the Congressional language and official maps to mean that private lands, other than Catellus, in the Lanfair Valley area, are not part of the Preserve for purposes of regulation, but because they are included within the external boundary, they may be acquired and would then become part of the Preserve automatically. Therefore, the official boundary map submitted to Congress reflects a more accurate total acreage of 1,589,165 acres of land included within the external boundary of Mojave. The *Land Protection Plan* provides a breakdown of the landownership.

A minor clerical correction in the boundary of the Preserve and the legal description was made in 1999 to correct an inaccurate description in the official legal description of the boundary at Budweiser Wash where it intersects interstate 40. The boundary was previously attached to a non-existent road, and was thus redescribed along a nearby section line. The legal description was also corrected to reflect that private lands in Lanfair Valley, other than Catellus, are not part of the Preserve, *until acquired*.

Plan Actions

As parcels are acquired the official boundary maps and legal description maintained by the National Park Service will be updated to reflect the change in status for these Lanfair Valley parcels.

Modifications to Boundary. NPS criteria for examining potential boundary modifications in a general management plan are done with the purpose of adding lands with significant resources or opportunities, or that are critical to fulfilling the park mission. No such suggestions for boundary adjustments were received during scoping. To create a boundary change proposal to exclude land from the park or from wilderness would not fit the NPS criteria for boundary adjustments.

No changes in the boundary of the Preserve are proposed at this time. During the prolonged debate over the California Desert Protection Act the boundaries were subjected to considerable Congressional scrutiny and debate. The National Park Service believes a comprehensive examination of potential boundary modifications at this time is unwarranted and should be delayed until the Preserve has been able to manage the area with the existing boundaries for a time to determine if there are areas where adjustments are justified.

Potential future boundary modifications that have been suggested as additions include the Viceroy Mine exclusion on the eastern boundary of the Preserve, and the Molycorp Mine exclusion between the Clark Mountain Unit and the main unit of the Preserve. These areas were previously included in the East Mojave Scenic Area, but were excluded in the legislation due to mining interests. Recently, Viceroy has indicated that mining will end within about two years. The current boundary configuration in this area excludes a vast area that is topographically and visually within the Lanfair Valley area. In addition, the area is home to bighorn sheep and some significant cultural resources. Adjustment of the boundary to include this area will reduce the potential for incompatible uses. Molycorp has initiated a plan of operation for continued operation and expansion of their facilities.

WILDERNESS MANAGEMENT

Background

In 1994, with passage of the California Desert Protection Act Congress designated 695,200 acres of wilderness within the Mojave National Preserve.

In 1995 the federal managers of the Mojave Desert adopted "Principles for Wilderness Management in the California Desert" as guidance for themselves and their staff in implementing the Wilderness Act and pertinent sections of the California Desert Protection Act. The managers represented the Bureau of Land Management (California Desert and Yuma Districts), the National Park Service (Death Valley and Joshua Tree National Parks and Mojave National Preserve) and the U.S. Fish and Wildlife Service (California State Supervisor). This interagency effort also provides some consistency in desert wilderness management.

Plan Actions

The National Park Service will continue to manage wilderness areas for the use and enjoyment of the American people in a way that would leave them unimpaired for future use and enjoyment as wilderness. Management will include the maximum statutory protection allowed for these areas, the preservation of their wilderness character, and the gathering and dissemination of information regarding their use and enjoyment as wilderness. Public use of wilderness may include recreation, scenic preservation, scientific study, education, conservation, historical use, and solitude. A separate backcountry/wilderness management plan will be prepared (in accordance with Director's Order 43) to address specific management issues.

The Wilderness Act generally prohibits motorized equipment or mechanized transport in designated wilderness areas; however, it allows them "as necessary to meet minimum requirements for the administration of the area for the purpose of this Act." The superintendent will continue to administer wilderness with the minimum disturbance to the area or its resources. This method of managing the wilderness area is often referred to as the "minimum tool concept." All decisions pertaining to administrative practices and use of equipment in wilderness will be based on this concept. Potential disruption of wilderness character and resources and applicable safety concerns will be considered before, and given significantly more weight than, economic efficiency. If some compromise of wilderness resources or character was unavoidable, only those actions that will have localized, short-term adverse impacts would be acceptable.

The NPS will take steps necessary to protect Federal reserved water rights that are explicitly reserved for BLM and NPS wilderness [sec. 706 (a)] in a quantity sufficient to fulfill the purposes of the Act.

Existing developments in Wilderness will be examined in light of the restrictions in the Wilderness Act on structures and installations, subject to private rights.

Wilderness Maps and Legal Description. Section 602 of the California Desert Protection Act requires that maps and legal descriptions of the wilderness areas be prepared as soon as practicable. The process of interpreting the wilderness boundaries provided by Congress and preparing the official maps and legal descriptions is currently underway. Once completed, final wilderness boundary maps will be submitted to Congress. It is assumed that the actual wilderness acreage may deviate from the approximate acreage of 695,200 acres estimated in section 601 of the act.

Additions or deletions to designated wilderness, or changes in corridors prescribed by Congress, will require legislation to enact. No such proposals are being made at this time.

Access to Private Lands and Interests in Wilderness. A minimum tool determination will be used to determine if granting approval for motorized/mechanical equipment use within wilderness will be allowed. Motorized access to private land, range developments, guzzlers and other interests in wilderness would be considered extraordinary and will not be routinely allowed unless unusual circumstances warrant it.

The CDPA provides two provisions relative to access to wilderness areas:

- Owners of nonfederal lands or interests in land are provided adequate access for reasonable use and enjoyment of their property in units of the national park system, including NPS wilderness and BLM wilderness [sec 708]. Access will normally be allowed only via foot or horseback, however approval motorized access is determined on a case-by-case basis using the minimal tool analysis described under the wilderness section.
- Section 705 of the CDPA recognizes past uses of the parks and wilderness areas by Indian people for traditional cultural and religious purposes, and ensures access for these uses. The Act also provides for temporary closures to the general public, upon request of an Indian tribe or Indian religious community, of one or more specific portions of the park or wilderness area in order to protect the privacy of such activities. Any closures are to be for the smallest area

practicable and for the minimum necessary period. Access must be consistent with the purpose and intent of the American Indian Religious Freedom Act, and the Wilderness Act if applicable.

FIRE MANAGEMENT

Background

Data gathering and research began in fiscal year 1998 to examine the history of fire and its effects on the natural environment. Results from this effort and other information will be used in developing a fire management plan. Preparation of the plan is scheduled to begin in FY 99. An ongoing vegetation mapping effort by the U.S. Geological Survey will help the park refine fuel types and their distribution.

The National Park Service recognizes the natural role of fire in ecosystem processes. Recent changes in federal wildland fire management policy allow for a broader range of fire management options within carefully defined parameters, as established in an approved fire management plan. Management options include full suppression, prescribed fire; natural fire managed to achieve benefits to natural resources, or a combination of these. In many cases, appropriate management strategies will be pre-determined in the planning process, based on life and property considerations, location, identification of natural or cultural resources at risk, existing vegetation and fuels, terrain, and other factors. In other instances, management strategies will be determined on a situational basis, factoring in additional variables such as current and predicted weather conditions, staffing levels, resource management objectives, terrain, and identified planning parameters.

Plan Actions

The current fire policy is to suppress all fires in the Preserve until fire history and effects studies are completed and a fire management plan is written and approved. These studies will provide data for determining whether to provide for natural and prescribed fires to burn in the Preserve. Minimum impact suppression techniques are utilized in all areas of the park.

Firefighter safety and the protection of life is first and foremost. All human caused fire will be suppressed, and all fire management actions will be implemented using methods, equipment and tactics that cause the least impact on natural and cultural resources. Heavy equipment, such as bulldozers, will

not be used except in emergencies as determined on a case-by-case basis by the superintendent. All staff will receive training on appropriate strategy, tactics and precautions in desert tortoise habitat.

Fire management strategies within wilderness areas will also be determined based on the criteria discussed. Additionally, a "minimum requirement" process will continue to be used for every fire in wilderness to determine the "minimum tool or administrative practice necessary to successfully and safely accomplish the management objective with the least adverse impact on wilderness character and resources" (NPS *Management Policies* 6:4). The use of mechanized equipment and transport (i.e. chain saws, portable pumps, vehicles and aircraft) will remain an exception to be exercised sparingly and only when it meets the test of being the minimum necessary for wilderness purposes. The superintendent or his/her designee must approve such exceptions.

The effects of fire on components of desert ecosystems, and the extent and degree of its historic role on biota are not well understood. The National Park Service is assessing and documenting the state of existing fire effects research in desert ecosystems. Over the short-term (1–10 years) fire management strategies will be developed based on the best available science, field observations of fire effects and post-burn monitoring of selected sites. Additionally, in cooperation with other desert parks, allied federal and state land managers, agency and university research staff, the National Park Service will assess research needs and long-term studies will be initiated. Specific research topics might include fire effects on desert tortoise and its habitat, post-fire successional trends, or effective post-fire rehabilitation strategies.

DISTURBED LANDS

Background

Disturbance of the native vegetation and soils in the Preserve has occurred as a result of many human activities, including mining, road building, utility lines, dumps, grazing, burros, offroad vehicles, and fire. No comprehensive inventory of this disturbance has been completed to document the areas, period of disturbance and extent of recovery. However, some inventory work has been initiated, such as for abandoned mines. Some of the disturbed areas are still subject to the use that caused the disturbance, and will not be subject to rehabilitation until such time as the activity is curtailed.

Abandoned Mines. The Preserve has an inventory of abandoned mining properties that was generated from existing information in U.S. Geological Survey and Bureau of Mines databases. This inventory reflects a legacy of past mining in the Preserve has left an estimated 419 abandoned mine sites with possibly thousands of mine openings and workings. Preliminary observations indicate the problem is a significant land management issue that may deserve program status. The Preserve initiated detailed and comprehensive inventories of these sites in 1998 and will continue this inventory and documentation process.

The 1992 Western Region Directive WR-085, Management of Abandoned Mineral Lands outlines the framework for a park abandoned mine lands program. The preliminary inventory of abandoned mining properties was generated from existing information in U.S. Geological Survey and Bureau of Mines databases. Additional surveys are currently underway to further inventory abandoned mineral properties.

Hazardous Materials. Numerous potential hazardous material sites existed within the Preserve when it was established. The National Park Service has removed hazardous materials and conducted cleanup operations on over a dozen sites, including illegal drug labs, abandoned wastes on mining claims, and illegal dumps. New sites discovered are responded to with immediate surveys and cleanup operations through licensed contractors. These locations are primarily related to mining activities where chemical processing took place, however, there are continuing instances of illegal waste dumping or clandestine drug lab activities. Potential hazards are prioritized and investigated based on relative threat posed to human health and the environment. Hazards and threats documented through this investigation process are addressed by seeking special project funding for environmental clean up work.

In addition to managing the cleanup of contaminated waste spilled from pipelines owned and operated by Unocal (Molycorp Mine) in the Mountain Pass area of the Preserve, the Preserve is currently working actively on hazardous waste issues at Morningstar Mine, Sterner Claims (Rainbow Wells and Columbia Mine), Telegraph Mine, and Hole-in-the-Wall.

Solid waste locations are scattered throughout the Preserve. These sites are primarily associated with mining or ranching operations, but are no longer used. The National Park Service and the Bureau of

Land Management have partnered with state and local agencies to inventory and respond to open dump sites within the California desert. Occasional household hazardous materials are typically encountered. An inventory and assessment program is underway. Some cleanups have occurred by contract, through partnerships with volunteer organizations and state agencies, and by staff participation in all employee cleanup projects.

Plan Actions

The National Park Service will seek to perpetuate native plants and animals as part of natural ecosystems. Natural landscapes and plants will be manipulated only when necessary to achieve approved management objectives. To the maximum extent possible, plantings in all areas will consist of species native to the park or appropriate for the period or event commemorated as outlined in the Secretary of the Interior's Standards for the Treatment of Historic Properties. Local seeds will be collected from areas as near the disturbed site as possible. If these seeds were not available an assessment will be made on the possible impacts of importing and planting seeds that may be genetically dissimilar to the native vegetation. The use of exotic species will conform to the NPS exotic species policy (NPS 2001). Landscapes and plants might be manipulated to maintain habitat for threatened or endangered species, but in natural areas, only native plants could be used if additional plantings were done. Existing plants will be manipulated in a manner designed to restore or enhance the functioning of the plant and animal community of which the endangered species is a natural part.

In natural areas, disturbances caused by natural phenomena such as landslides, earthquakes, floods, and natural fires will not be modified unless required for public safety, protection of NPS facilities, or necessary reconstruction of dispersed-use facilities, such as trails. Terrain and plants could be manipulated where necessary to restore natural conditions on lands altered by human activity.

In cultural areas, such as at Kelso Depot and Zzyzx, trees, other plants, and landscape features will be managed to reflect the historical landscape or the historical scene associated with a significant historical theme or activity.

Abandoned Mines. The National Park Service will complete a comprehensive inventory of all Abandoned Mine Lands to serve as a basis for future planning and reclamation program implementation.

The inventory will build upon existing information from the U.S. Geological Survey, Bureau of Mines, and BLM databases. Mines will not be reclaimed until evaluated for historical significance and integrity in compliance with the National Historic Preservation Act of 1980, as amended. The program goals will include eliminating physical safety hazards and hazardous materials; mitigation of adverse environmental impacts to park resources, including the restoration of landscapes, soils and vegetation; protection of important wildlife habitat such as bat habitat; and preservation of historic and cultural resources which may include stabilization of structures.

Hazardous Materials. Site assessments are planned for Aiken Mine, Reily Camp, Kelso Dunes Mine, Death Valley Mine, New Trail Mine, and Rattle Snake Mine. Some of these sites may be eligible for listing on the National Register. A National Register Determination of Eligibility will be conducted before hazmat action is taken.

Mojave has potentially significant issues related to transportation (highway, rail, natural gas and petroleum pipeline) incidents. Mojave will work with the transporters to develop a specific plan to address operations and responsibilities in case of a major incident. This plan will also address routine hazardous waste generation and disposal (paints, oils, etc) and incidents of illegal dumping (investigation, response and disposal).

The National Park Service is also required by Secretarial Order 3127 to conduct a site assessment for hazardous materials on all properties being considered for acquisition. This process begins with a certified inspector completing a Level I checklist. If no evidence of previous hazardous materials use exists on the property or in the county, state or federal records, the property is cleared for acquisition. If contamination is discovered or suspected, samples may be collected and analyzed at a licensed laboratory. Cleanup costs are generally considered the responsibility of the landowner.

NON-FEDERAL LAND AND EXTERNAL DEVELOPMENT

Background

In 1994, when the Preserve was established, there were over 2,000 nonfederal land parcels within the boundaries of Mojave National Preserve totaling nearly 220,000 acres. In addition, there are hundreds of outstanding rights that are owned by indi-

viduals or corporations (water rights, mining claims, rights-of-ways, easements).

California state lands include 36,503 acres of school land, a 139.4-acre tract of land at Piute Springs owned by the Department of Fish and Game, the Providence Mountains State Recreation Area owned by the Department of Recreation, and 2,199 acres of land in the Granite Mountains Natural Reserve owned by the University of California.

Total private land in the Preserve, as of October 2001, is 86,708 acres. Less than 50 people are permanent residents in the Preserve with most private tracts remaining undeveloped. There are over 70,000 acres of private land in the Lanfair Valley area. The remainder of private lands are scattered throughout the Preserve. In June 2000, the Wildlands Conservancy and the National Park Service cooperated in jointly funding the acquisition of 82,628 acres of Catellus lands.

Patented mining claims total 1,350 acres in the Preserve. As of June 2000, there were approximately 471 unpatented claims in 28 groups totaling just over 12,500 acres.

Water Rights. Initial research on outstanding water rights in the Preserve recorded at the California Water Resources Control Board revealed that there are approximately 110 appropriated water rights claims on 97 water sources (springs, seeps, streams, wells) in the Preserve. Many of these were obtained by ranchers who lease grazing allotments. In November 2000, the National Park Service also accepted donation of the Kessler Springs and Lanfair Valley permits, including water rights on 53 sources. Other rights may exist that have not been recorded with the State. Water rights that were held by the Bureau of Land Management on numerous water sources have been converted to the National Park Service. In April 2000, the National Park Service accepted donation of the Granite Mountains grazing permit, including water rights on 29 sources.

Development on Private Lands. Most development on private lands is regulated by the County of San Bernardino. The county adopts and enforces land use regulations that control the type and density of land use and development on private property, and ensure adherence to basic public health and safety standards. A General Plan for the county provides guidance for acceptable development on private lands. With the exception of one parcel at Cima, the entire Preserve is zoned for resource con-

ervation, where single family homes are allowed with minimum lot size of 40 acres.

Section 519 of the CDPA provides that private lands within the boundary of Mojave are not subject to rules and regulations that are applicable solely to federal lands. However, this section also provides that this restriction does not apply to mining, oil and gas development or Clean Air Act requirements. The National Park Service has legislated authority to regulate mining on patented mining claims and oil and gas development on private lands. Regulations are contained in 36 CFR part 9A for mining and part 9B for oil and gas. 36 CFR Part 6 precludes the development of new sites for the disposal of solid wastes.

Plan Actions

Land Acquisition. The Department of the Interior policy requires that the National Park Service prepare a land protection plan for every unit of the National Park Service that has nonfederal lands or interests within its authorized boundary. Detailed descriptions of the nonfederal lands and interests are included in Mojave National Preserve's *Land Protection Plan* (2001).

The National Park Service will seek funds to acquire private lands and interests in the Preserve on the basis of priorities presented in the *Land Protection Plan*. The California Desert Protection Act (CDPA), section 516, provides the National Park Service authority to acquire all lands and interests in lands with the boundary of the Preserve. Donations and exchanges of real property from willing sellers will be a priority, and third-party acquisitions from willing sellers will be encouraged. Private land in wilderness, habitat for threatened or endangered species, and riparian habitat are considered high priority. Purchase of base property from willing seller ranchers is a priority over other acquisitions, in accordance with CDPA direction (section 510). Purchase of willing seller base property in desert tortoise habitat will receive first consideration. Water rights will be purchased with permit.

Private land that contains single family homes will not be considered for acquisition, unless offered by the owners, or unless development on the property is proposed or occurring that is detrimental to the integrity of the Preserve or is incompatible with the purposes of the CDPA, Title V.

Whenever acquisitions of private land occurs, the parcel will automatically become part of the Preserve pursuant to section 517 of the CDPA, and no bound-

ary adjustment is needed. Parcels within the boundaries of wilderness automatically become wilderness upon acquisition according to section 704.

External Development on Adjacent Lands. To fulfill the mandate to preserve park resources unimpaired for future generations, adopting strategies and actions beyond park boundaries has become increasingly necessary. Because ecological processes cross park boundaries, and parks typically do not incorporate the entire ecosystem or scenic vista, many activities proposed or existing on adjacent lands have the potential to significantly affect park resources, programs, visitor experiences and wilderness values.

Recognizing these issues, the park staff will work cooperatively with others to anticipate, avoid, and resolve potential conflicts and to address mutual interests in the quality of life for community residents. This strategy will include participation in local and regional planning activities of other federal, state and local agencies, tribal governments, neighboring landowners and non-governmental groups and organizations. The park will establish close ties with permitting agencies and ensure that notices of proposed development or activities are received. Park staff will review permit applications and environmental documents and determine threats to park resources or visitor experience. The park will engage constructively within this arena to identify incompatible activities in the same manner that any adjacent landowner would do. The NPS will utilize all available authorities to protect park resources and values from potential harm and will seek to mitigate adverse activities. The park will utilize this forum to promote better understanding of the park's mission and mandates, and the reasons for our concerns beyond our boundaries.

