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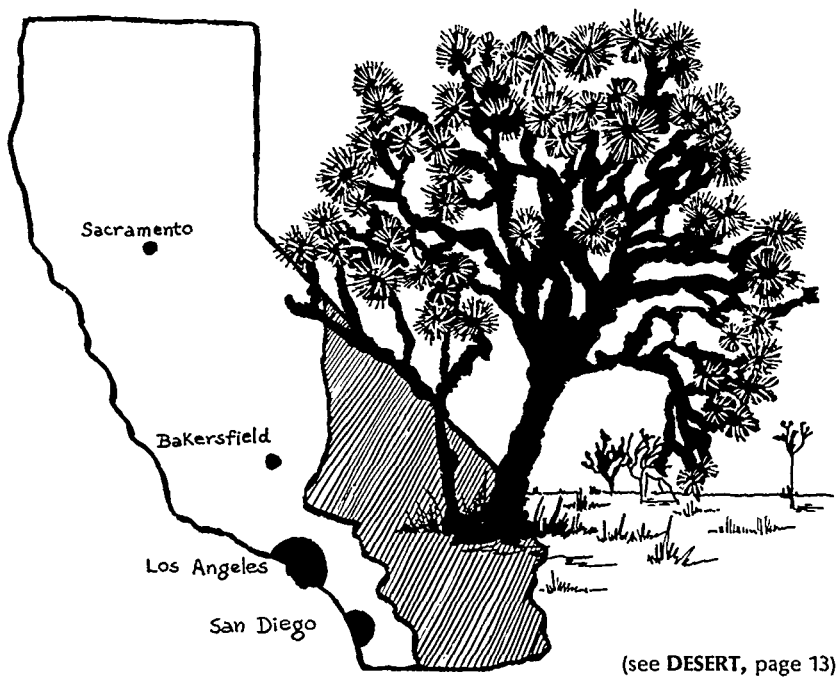
the CALIFORNIA DESERT PLAN

In the eastern half of Southern California, stretching from the Mexican border in the south to Death Valley in the north, lies a vast expanse of unbroken desert. Totaling over 25 million acres, this desert comprises one-fourth of the land area of California. Far from being the wasteland that the label connotes, the California Desert is a land rich in beauty, in natural resources, and in cultural heritage.

As with all public lands, use conflicts have inevitably arisen in the desert. But the desert is unique in that the support systems upon which life depend are fragile and easily disrupted by human interference, thus requiring special care. The U.S. Congress recognized this and mandated the development of the California Desert Plan to guide the management of the desert into the next century.

The Federal Land Policy and Management Act

In 1976 Congress passed the Federal Land Policy and Management Act (FLPMA) for the purpose of determining the management future of 470 million acres of public lands throughout the western states managed by the Bureau of Land Management (BLM) of the Interior Department. Of the California Desert's 25 million acres, 12.6 million come under the authority of BLM. In FLPMA, Congress stated that "the California Desert environment is a total ecosystem that is extremely fragile, easily scarred, and slowly healed; . . . and its resources including certain rare and endangered species . . . and numerous archeological and historic sites, are seriously threatened by air pollution, inadequate Federal management authority, and pressures of increased use." *(43 U.S.C. 1701).*



(see **DESERT**, page 13)

LETTER FROM THE EDITOR

ENVIRONS is published by the students of University of California, Davis School of Law. It is edited by members of the Environmental Law Society. We strive to present a forum for a balanced discussion of substantive issues in the environmental law/natural resources field which are of interest to our readers.

As election time was here again, 1980 has been a very active year for environmental issues. For a few days they were at the forefront of political debate. Certain offshore areas along California's northern coast were recently removed from current sale of oil leases. The California Desert Plan's Final Environmental Impact Statement came up for review on time. It has been the product of much public and private interaction, but some say that this subsequent review period is too short. Of course, locally the Peripheral Canal is the subject of much debate. There are many topics to be discussed and we hope to be able to cover them this year.

In our next issue we will be focusing on Lake Tahoe. It is an especially controversial area because of the citizen/state, state/state, and state/federal concerns.

To those of you who have contributed in any donation amount, we are grateful. But we are still short of the necessary funding to put out our goal of four issues this year. *ENVIRONS* must receive the support of its readers. If you have not already done so, please help ensure the continued publication of *ENVIRONS* by making use of the subscription form in the back of this issue. Any help in finding new donators would be greatly appreciated.

As always, we encourage our readers to submit articles in their area of expertise. Articles presenting the scientific or technical implications of environmental regulations and policies, or explaining the nature and significance of the ecological systems which such policies will affect (in a manner understandable by a lay audience) are welcome. All articles submitted should either conform to our non-partisan format, or be accompanied by suggestions of possible authors who could effectively present alternative views of the issues. We welcome any comments concerning topics you would like to see, or for improving our financial situation.

Michael Endicott

CALIFORNIA VS. ANDRUS

On August 1st of this year California and Alaska filed suits against the Department of the Interior to halt its proposed Five-Year Outer Continental Shelf (OSC) Oil and Gas Leasing Schedule pending compliance with the procedural requisites of the National Environmental Policy Act (NEPA) and, most importantly, sections 18 and 19 of the Outer Continental Shelf Lands Act Amendments (OCSLAA). Section 19 requires that Interior's offshore leasing program be based on consultation with affected State and local governments. Section 18 requires that the timing and location of oil leasing must be based on a clear checklist of factors which include: a region's ecology, a risk-benefit balancing analysis, an area's location relative to regional and national energy markets, likely conflicts with other uses of the sea (e.g. fisheries), oil industry interests in drilling, affected states' laws and policies, and different areas' marine life productivity and sensitivity.

Proposed Sale Off California Coast

Northern California coastal communities are especially concerned about Lease Sale 53 of Interior's Proposed Oil Leasing Schedule. Despite the environmental dangers acknowledged in the successive Environmental Impact Statements (EISs), Interior may soon start to sell drilling leases for the Sale 53 outer continental shelf basins off the shores of Santa Barbara, Santa Maria, Humboldt County, Santa Cruz, Bodega Bay and Point Arena.

While Governor Brown does support oil drilling off the coast of Santa Barbara, Santa Maria and Humboldt Counties (where three-fourths of California's offshore oil resources exist), the State seeks to spare the other three basins—Santa Cruz, Bodega Bay, and Point Arena (SC/BB/PA)—from Interior's proposed Five-Year Oil and Gas Leasing Schedule. "This leasing plan," said Brown, "risks oil spills and air pollution in areas of great scenic and natural importance," where the "meager" amount of oil does not warrant the great risks of irreparable damage to the coastal environment and economies.

The State's Position

California has continued to urge Interior to *delete* the SC/BB/PA areas (and *delay* the Santa Maria and Eel River basins leasing) on the grounds that Interior's Sale 53 environmental impact statements have been grossly inadequate, failing to comply with NEPA and the OCSLAA, in that Interior has:

- not analyzed seismic risks;
- not quantified on-shore air quality impacts;
- not accurately assessed adverse effects on marine mammals and other endangered species;

- used outdated and incomplete information about economic impacts on tourism, fisheries and recreational uses of the sea;

- used oil-spill trajectory and impact analysis which does not permit predictions of the size, nature and extent of probable oil-spill damage;

- summarily dismissed, rather than analyzed, conflicts among uses of the sea; and

- not properly consulted affected coastal Indian tribes and bands during the Sale #53 review process, and has ignored its own legal trust duties to protect Indians' cultural and economic interests in salmon-fishing.

The state further contends that Sale #53 cannot be construed to be consistent with California's federally approved Coastal Zone Management Plan.

Opposing Views

Proponents of the lease sale contend that oil development in the Sale 53 basins is necessary to meet the nation's current energy demands and to reduce dependence on foreign oil.

According to some United States Geological Survey estimates, the amount of oil which might be extracted from all of the Sale 53 areas would provide the U.S. with less than one month's petroleum supply at present rates of consumption. The oil industry maintains that the nation's petroleum demands cannot be met by big strikes alone, but must also take advantage of smaller finds. Lease opponents argue that concerted conservation alone can save as much petroleum as Sale 53 may produce, and that sacrificing treasures for such a small "fix" is reprehensible.

Conclusion

Interior has insisted that, wherever an OCS area has any oil resource potential, lease sales are inevitable. Secretary Andrus has admitted that Interior's view is that environmental factors "are not to be viewed as constraints which would preclude leasing in an area, but rather as . . . factors which would affect the precise timing of a sale." So long as Interior takes this position, further litigation seems inevitable.

Update

[On October 16, Secretary Andrus announced a tentative decision to delete tracts in basins off Humboldt County, Santa Cruz, Bodega Bay and Point Arena from Lease Sale 53, due to their minimal resource potential. This decision would not prevent Interior from including these tracts in later lease sales. Interior's announcement does not resolve the underlying issue in *California v. Andrus*—whether the entire Five-Year Lease Sale Schedule complies with NEPA and the requirements of the OSCLAA. The California and Alaska suits have been consolidated in the federal district court in the District of Columbia. Oral argument is not expected before March. Ed.]

Judith Andress

RECLAMATION LAW REFORM: a symposium

Almost everyone concerned with the current dispute over interpretation, modification, and enforcement of the Reclamation Act agrees that the law is basically a good idea, but in need of reform. As the following group of articles illustrates, there is less agreement on the nature and goals of that reform.

The Reclamation Act

The Reclamation Act of 1902 was enacted to facilitate large-scale settlement of the arid American West. Settlement of this area was dependent of massive water projects for irrigation which was far beyond the means of the family farmers who would be served by the projects. Under the Act, money received from the sale of public lands in the western states and territories were to be held in a special "reclamation fund." This fund would be used for the investigation, construction, and development of irrigation storage, diversion, and development works for the reclamation of arid and semi-arid lands. During the period when a project was under study, public lands in the proposed service area would be subject to entry only under the homestead laws and only in tracts of between 40 and 160 acres. ("Entry," a term used in homesteading, mining, and other public land law contexts, refers to the act of a private person who goes onto and puts to economic use, such as agriculture, a parcel of public land, with an eye to eventually becoming its owner.) After a project was found to be feasible, the area per entry was to be limited to ethe acreage which, in the opinion of the Secretary [of the Interior], may be reasonably required for the support of a family upon the lands in question . . ."

The owners of lands irrigated from the project, were to be charged an amount, payable in up to ten annual installments, which would return the estimated construction cost to the reclamation fund. Under later amendatory legislation, other project benefits were recognized. Like irrigators, beneficiaries of power and municipal water supply functions of pro-

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Reclamation Law Symposium

(continued from page 3)

jects are required to repay to the government the portion of project cost allocated to those purposes; the costs of some other benefits, such as flood control, navigation, and recreation, are not reimbursable. This allocation of costs to nonreimbursable benefits is one source of the reclamation subsidy for irrigation.

A second, and even more important source of subsidy under the 1939 Reclamation Project Act, is found in the repayment of project construction costs allocated to irrigation which, unlike municipal supply and power costs, is interest-free. That Act also lengthened the repayment period to forty years. Thus, the interest cost of this forty-year loan from the reclamation fund to project beneficiaries is paid from government revenues.

Acreage Limitation and Residency Requirement

A major concern at the time of the Reclamation Act's adoption was to spread the benefits of reclamation broadly, and to prevent their concentration in the hands of speculators. The primary tool fashioned by the Congress to meet this concern, and the focus of the present controversy, is contained in Section 5 of the 1902 Act, which contains the 160-acre limitation and the residency requirement:

> No right to the use of water for land in private ownership shall be sold for a tract exceeding one hundred and sixty acres to any one landowner, and no such sale shall be made to any landowner unless he be an actual bona fide resident on such land, or occupant thereof residing in the neighborhood of said land . . .

The intent, interpretation, and continuing desirability of these restrictions, and their applicability to particular reclamation projects are the major issues in the current debate.

The Reclamation Program

Under the Reclamation Act and later amending an authorizing legislation, numerous projects have been built. Projects serving California include the huge *Central Valley Project*, (CVP), which develops water on the Trinity, Sacramento, American, and San Joaquin Rivers and serves large portions of the Central Valley and Bay Area, the *Boulder Canyon Project* on the Colorado River, including Hoover and Parker Dams, serving the productive Imperial and Coachella Valleys and tapped by the Metropolitan Water District of Southern California, and the *Solano Project* on Putah Creek, impounding water at Lake Berryessa to serve farms and cities in Solano County. These projects were built and are administered by the U.S. Bureau of Reclamation, recently renamed the Water and Power Resources Service (WPRS). In addition, several flood-control projects were built by the U.S. Army Corps of Engineers and including irrigation conservation among their purposes, are now administered by WRPS. Included in this list are projects on the Kings, Kern, and Stanislaus Rivers.

The Reclamation Problem

A variety of problems has been encountered in determining the applicability of the acreage limitation and residency requirement to different project service areas:

- The Imperial Valley was served by a privately constructed project prior to construction of the Boulder Canyon Project. When the All-American Canal was proposed, in part for diplomatic reasons, to replace the

Evolutionary, not Revolutionary Change

by William McFarlane

When California Westside Farmers was organized in the Spring of 1976, its basic position was that present reclamation law was working well and that any changes should be *evolutionary*, not *revolutionary*. A major objective of the organization was—and is—to compile and disseminate the facts on compliance with reclamation law and thereby counter the false and exaggerated charges and attacks against farmers and landowners in Westlands Water District.

In explaining our position to the House Water and Power Resources Subcommittee at a hearing on September 14, 1976, we pointed out that we did not object to a limitation of "160 acres or some other figure, on

(see **EVOLUTIONARY**, page 6)

Abandonment of a Proven Program

by Congressman George Miller

The legislation currently before the House of Representatives would virtually repeal the 1902 federal Reclamation laws rather than reform them. Although the "Statement of Purpose" in H.R. 6520 purports to reaffirm the original intent of the program—to utilize taxpayer subsidies to support small, family farms in the West—the actual provisions of the bill emasculate almost every feature of that law and the 80-year Reclamation program.

It is ironic that this effort to undermine the Reclamation laws should come at a time when we know more about the real successes of the program than ever before. Through the pioneering work of the San Luis

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private canal, which ran through Mexico, the landowners received assurances that they would be exempt from the reclamation law restrictions. In June, the U.S. Supreme Court ruled in the case of *Bryant v. Yellan* that, with minor qualifications, Section 5 of the Reclamation Act did not apply to the Imperial Valley.

• The Kings River service area was fully irrigated by private works before the Corps of Engineers built the Pine Flat Project for flood control. Local interests have argued that their pre-existing water rights were not affected by this project. The government has applied the acreage limitation only to water stored for use at times when it would not otherwise have been available. It is further argued that application of the limitation is impractical in view of the frequent flooding of large parts of the lower river area which occurs despite the project, since large landowners are capable of withstanding the costs of having land out of production for periods of a year or more, costs which would bankrupt a small farmer. Congress has before it proposals to exempt the Kings River service area from the acreage limitation.

• The Westlands Water District, served by the San Luis Unit of the CVP, contains tens of thousands of acres of excess lands (lands in single ownership in excess of 160 acres). While much of this land is under recordable contract (contracts permitting receipt of water if the owner agrees to sell the excess land within 10 years), critics have charged that even when land is sold, it is often purchased by "paper" owners who are merely acting as agents of the original owner, and continues to be operated as a single unit. The arguably conflicting goals of economic efficiency and family farming are often cited by opponents in this debate. Congress is considering various proposals to increase the number of acres which can be irrigated in single ownership, permit unlimited acreage to be irrigated if the owner pays the full cost of the water, to treat leased land, for acreage limitation purposes, as land owned by the operator, and to require that the buyers of excess land be chosen in a public lottery.

* * *

ENVIRONS asked four of the key participants in the Reclamation Law reform debate to summarize their views on some of these issues for our readers. Their articles, written in August of this year, follow.

Woody Brooks

Restoring Stability to the Reclamation Program

by Tony Coelho

In considering the reclamation "reform" controversy, it is important also to consider what the federal 1902 Reclamation Act has accomplished in the far West (an aspect that, unfortunately, I have found to be rarely considered).

It is my firm conviction that the reclamation Act of 1902 was one of the most farsighted, even inspired, domestic legislative accomplishments in the history of the United States Congress. The federal reclamation program has served our nation and the West exceedingly well in times of prosperity and depression, in peace as well as war for more than three-quarters of a century. It is a definite plus factor in our critical bal-

(see **STABILITY**, page 9)

Landowner Monopoly and Federal Reclamation Food Policy

by George Ballis

A running Congressional dogfight over reclamation law reform—in reality a key federal food issue—has been raging, almost invisibly, for the past three years. At stake is control of over 90% of the nation's canning tomatoes, 30% of all other vegetables eaten in this country, 20% of the cotton and over half the world's supply of raisins—just as examples. How the issue is finally resolved will have staggering long-range impact on America's farming structure, and on what and how we all eat.

On one side large California landowners have mounted a multi-million dollar campaign to legalize

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Evolutionary Change

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deliveries of water from federal projects to a single ownership. Rather, our concern is that any such limitation be applied in such a way as to continue to farm efficiently and productively."

We also pointed out that it is a proper function of Congress "to determine how best to distribute the subsidy involved in federal irrigation projects to the people of the country."

Our basic position has not changed. We believe, now, as we did then, that the limitation should be on the *amount of subsidy* provided to any one individual, not on the *size* of a farming operation.

We also favor, as we did then, effective and reasonable antispeculation provisions to prevent profiteering on the resale of land purchased at low, government-controlled prices.

Fairness and Equity

From the standpoint of California Westside Farmers, the central issue in any major change in reclamation law is that of fairness and equity.

When landowners and farmers in the San Luis service area were considering the alternative sources of a supplemental water supply back in the late 1950's, their decision to seek the federal project—rather than to participate in the State Water Project—was based on the explanations and interpretations of federal reclamation law by officials of the Interior Department, including legal opinions from the Solicitor's office. In reliance on those explanations and interpretations, they decided to seek authorization of the San Luis Unit. Their understanding was that they would be subject to the same limitations and restrictions that had been required in other reclamation project areas for the preceding 30 or 40 years.

On this basis, the landowners and farmers took a series of irrevocable steps: They organized water and irrigation districts, thereby subjecting their land to taxation regardless of whether they received water; through these districts they approved long-term water service and repayment contracts, thus further obligating themselves financially; and individual landowners entered into recordable contracts with their government, agreeing to sell land in excess of 160 acres per person at controlled prices in return for the use of project water until the excess land was sold under the 10-year contracts.

Now, nearly 20 years after the "ground rules" were agreed upon, land owners have either sold or contracted to sell more than 350,00 acres of land at controlled prices, expended and obligated themselves to repay tremendous sums of money, and made arrangements for land ownership and farm operations based upon assurances from federal officials as to what the law required and allowed.

They have done all this in complete compliance with the law and its consistent interpretation. This was acknowledged by the special San Luis Unit Task Force appointed by Interior Secretary Cecil Andrus, which concluded that reclamation law has been interpreted and applied in Westlands just as it was in every other reclamation project area over the past 50 years or more. (Reports from the Interior Department show that far less acreage receives water illegally in California than in practically any other reclamation state.)

The report also conceded that reclamation law refers specifically to ownership, not size of farming operations, and that owners of excess land within Westlands have been required to sign recordable contracts in order to become eligible to receive project water on those lands. It further acknowledged that enforcement of the law has resulted in a significant breakup of large ownerships and the creation of many new nonexcess ownerships, as well as many new smaller farming operations. The report even acknowledged that the additional excess land that must be sold in coming years will bring about further increases in the number of landowners and farmers.

The major complaint of the Task Force report was that the *present* size of farming operations in Westlands is too large, a factor which it admitted is not covered by reclamation law. This was stated despite the fact that less than half of the excess land has been sold thus far.

Representatives of farmers and landowners in Westlands, including California Westside Farmers, have repeatedly stated that they intend to fulfill their commitments to abide by the requirements of reclamation law as interpreted at the time those commitments were made. We do not believe it would be either equitable or fair to impose a new set of requirements retroactively.

Compliance in Westlands

As shown in Figure 1, the amount of land in Westlands which is eligible to receive project water has increased from about 125,000 acres in 1965 (prior to the first deliveries of project water) to some 525,000 acres in 1979. As project water gradually became available to more and more land, landowners placed nearly 353,000 acres under recordable contract for sale to eligible new owners. About 135,000 acres of the land under recordable contract has been sold so far and additional acreage has been transferred voluntarily, increasing the amount of nonexcess land (ownerships of 160 acres or less per person) from the original 125,000 acres to more than 300,000. Some 218,000 acres remain to be sold under recordable contracts.

As a result of the sales and transfers thus far, the number of landowners benefiting from the project has increased from about 2,500 to more than 5,300. The number of farming operations also has more than doubled, from 97 to 232. The average farm size in Westlands has been cut almost in half, from 4,640 acres to about 2,400.

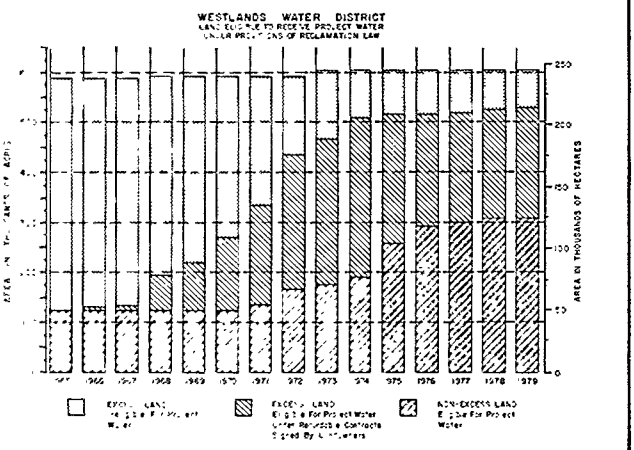

Figure 1

When the remaining 218,000 acres is sold in 160-acre parcels (assuming no change in the acreage limitation), the number of landowners benefiting from the project will increase by at least another 1,361. The number of farming operations can be expected to redouble, based on past experience, with a proportionate reduction in average farm size.

The Issue of Farm Size and Leasing

Proposals have been made to establish "small, family-sized farms" in reclamation areas through arbitrary and rigid limitations on leasing and the size of farming units. We believe such limitations are unnecessary to achieve the purpose of a reclamation program which are legitimate and proper for the decades ahead: Continuing to encourage efficiency and high production and, at the same time, promoting wide distribution of project benefits.

As the U.S. Supreme Court pointed out in its 1958 decision in *Ivanhoe v. McCracken*, the policy of achieving wide distribution of project benefits "has been accomplished by limiting the quantity of land in a single ownership to which project water might be supplied." The Court added that the 160-acre limitation places a "ceiling" on the subsidy to any one person.

Under this long-standing interpretation of the law, individual landowners have been free to use their property as they choose. They could farm it themselves, lease it to someone else, or combine their ownership with others to form a larger farming unit. After all, the project benefits ultimately go to the landowner, regardless of who is farming the land. Moreover, restrictions on leasing would present barriers to new farmers and eliminate the flexibility farmers must have to adjust to changing economic conditions and to adopt new technology. As a matter of principle, farmers should have the same right to exercise their initiative as those in other enterprises or endeavors.

Preservation of Farmland

At present, only a very small percentage of the land in the Westlands area is devoted to nonfarm uses, such as roads, farmsteads, etc. However, affidavits filed in the lawsuit brought by a number of California counties and irrigation districts (*County of Fresno v. Andrus*) indicate that contrary to the need to preserve agricultural lands, implementation of the Interior Department's proposed rules and regulations for acreage limitation would cause the loss of many thousands of acres of prime farmland.

For example, Fresno County Public Works Director Clinton D. Beery stated that the proposed rules would require the construction of at least 600 miles of additional paved roads and estimated that five acres would be taken out of production for each mile of road—a total of at least 3,000 acres in just one county.

Mandating a small farm pattern would remove additional land from production as well, for home sites, on-farm access roads, equipment parking areas, etc.

Because of a number of potential environmental impacts, the U.S. District Court in Fresno ordered the Interior Department to prepare an Environmental Impact Statement before proceeding further with rule making. The Draft EIS is scheduled to be completed in December.

Summary

In conclusion, California Westside Farmers has supported reclamation legislation which would cure the real problems, such as speculation, but which would not punish whose who have complied with the law in good faith.

William F. McFarlane is president of California Westside Farmers, an organization of farmers in Westlands Water District.

Abandonment of a Proven Program

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Unit Task Force and the Departments of Interior and Agriculture "Interim Report on Acreage Limitations," we finally have the data which illustrates the widespread compliance with the goals of the drafters of the 1902 law.

Widespread Compliance with Existing Law

Over 97 per cent of all Reclamation farms are today in compliance with the 960-acre limitation proposed by the Secretary of the Interior Cecil D. Andrus; nearly three-quarters of all farms meet the admittedly antiquated 160-acre test. And, it should be noted, these farms are prospering while meeting the acreage limitations.

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Abandonment of a Proven Program

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The problem arises out of the remaining 3 per cent of all farms which are in excess of the 960-acre ceiling. These farms, controlled by a relatively small number of landowners, corporations, oil companies, land developers and other non-farming interests, constitute nearly one-third of all the land in the program. By maintaining their domination of these rich lands and the public subsidies which generate their productivity, these special interests have perverted much of the Reclamation program into the "scheme of speculators and land grabbers (who seek) to loot the national treasury for private profit" of which opponents of the law warned during the 1902 debate.

These wealthy special interests, largely concentrated in California, have sought to evade the clear legislative intent of the Reclamation program—to assist small farmers and prevent monopolization of public benefits—through legislative manipulation and litigation. Having failed at their subtle attempts to undermine the program, they are now attempting to pass H.R. 6520 and win virtual exemptions from the provisions of the law.

Despite loose enforcement of the acreage test, the vast preponderance of Reclamation farms are less than 960 acres, thus belying the opponents' claim that small farms are inefficient. In fact, a study by the Bank of America, which was sponsored by the large farm interests, concluded that the economies of scale in agriculture peaked at 640 t0 960 acres, a conclusion shared by six other studies of agricultural economics.

Costs of Noncompliance

Permitting the small number of special interest to maintain their accumulated wealth would be contrary not only to the spirit and letter of the Reclamation program, but to the interests of the American consumer as well. The Department of Agriculture recently concluded that monopolization of the food production industry in this country costs consumers about $16 billion a year today. Failure to implement the economic diversification embodied in the Reclamation Act will encourage the further accumulation of economic and political power into a limited number of hands.

It is important to note that one of the big landowners' most emphatic arguments, that enforcement of the law would jeopardize longstanding property rights, is wholly inaccurate. Nothing in Reclamation law requires a farmer to sell a single acre of land. Participation in the program has always been entirely voluntary. The limitation is imposed with regard to the amount of land which can be irrigated with federally supplied, taxpayer-subsidized water. If a farmer wishes to avoid compliance with acreage limitations, all he must do is withdraw his voluntary request for water, and permit the sizable subsidized benefits to flow to those who are willing to comply with the law.

Reclamation land accounts for just 1 per cent of all farmland in the United States. The disputed "excess land", that which is held by a single operator beyond the acreage limitation, constitutes just one-tenth of one per cent of our Nation's agricultural lands. Any farmer, or any corporation or other interest, wishing to enter agriculture without having to comply with the Reclamation law has many tens of millions of acres of productive lands on which to pursue his farming.

The Reclamation Subsidy

At the heart of the Reclamation program lie the considerable subsidies which underwrite these farms. Over $5 billion in subsidies has already been enjoyed by program beneficiaries through low-cost water, reduced repayment requirements, and interest-free construction charges. The few who seek to evade the law have grudgingly accepted increased charges as a condition of farming land beyond the acreage limit. But this "full cost" requirement hardly eliminates the public subsidies, and only amendments in the full Interior Committee successfully defined "full cost" so as to reduce the subsidies significantly.

Yet even the current "full cost" provisions of H.R. 6520 would recover less than 40 per cent of costs from half the Reclamation districts, and some would repay as little as 15 per cent while totally escaping from the requirements of the program.

H.R. 6520 not only weakens the tenants of Reclamation law, but further exempts many of the largests violators from those weakened provisions. The landowners in the Kings-Kern-Tulare Lake areas of California have long disputed the applicability of the law to their projects despite clear legislative history to the contrary. Both the landowners and the federal government agreed to resolve the longstanding dispute through litigation in 1963 and to abide by the result. After the Appeals Court ruled the projects subject to the law in 1976, and the Supreme Court denied a petition for *certiorari*, the landowners abandoned their prior pledge and sought legislative exemption, which H.R. 6520 would provide.

The biggest landowners in these service areas include J.G. Boswell (110,000 acres), Tenneco (65,000) Salyer Land (29,000), Southlake Farms (27,000), Chevron (13,000) and many other agribusinesses and corporations. These interests, along with similar landowners in nearby districts, are behind the high-powered lobbying campaign behind H.R. 6520 which the respected legislative journal Congressional Quarterly has termed "among the best financed, most intensive and most uncompromising anyone on Capitol Hill can remember."

H.R. 6520 also abandons the original concept that those benefiting from the Reclamation law should be actual farmers on the land. Not only does the bill repeal the explicit residency requirement, but its proponents successfully gutted a more contemporary requirement that, irrespective of residency, beneficiaries actually participate in farming operations. The legislation similarly ignores economic and environmental reality by abandoning any pretense of establishing a more orderly and efficient basis for the use of federally developed or managed resources in the West. No priority is placed on efficient use; no conservation mandates or incentives are established; no limitations on destructive groundwater depletion or irrigation of low quality, water consumptive marginal lands are included in the bill.

Summary

No one disputes the need to modernize and refine the 1902 law. But the wholesale abandonment of provisions and principles of the law, as contained in H.R. 6520, serves only the interests of a select elite of corporate and agribusiness interests. This repeal of Reclamation law is not needed by the 46,400 farmers who constitute 97.4 per cent of all farms which meet the 960 acre test. This legislation is needed by, and has been designed by, the few hundred people who seek to monopolize the public benefits which were intended for broad public dispersal.

By seeking to overturn a successful public policy, by assaulting nearly 80 years of Reclamation programs, and by attempting to confer on the wealthy and privileged few the public benefits intended for the many, H.R. 6520 embodies the very worst kind of special interest legislation. Congress should reject this attempt to corrupt the Reclamation program, and redesign legislation which will serve the interests of the family farmer, the Reclamation program, and the entire nation by modernizing the program in conformity with its longstanding, and widely successful, legislative intent.

Congressman George Miller, a member of the House Interior and Insular Affairs Committee, has represented the Seventh District of California since 1975.

Restoring Stability to the Reclamation Program

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ance of trade. The 1977-78 total agricultural exports from the United States amounted to approximately $13 billion. Of that amount, approximately $1 billion, or slightly more than 7 1/2 %, came from federal reclamation projects.

The reclamation program is not just irrigation water. It is flood control, power generation, and recreation benefiting the entire Western region. To a greater or lesser degree, the federal reclamation program is woven into the very fabric and economy of the 17 Western reclamation states. Any modification—"reform"—of this program should certainly be made with all of these factors in mind, not on a piecemeal basis, and certainly not in a charged political atmosphere that does not allow for perspective.

Restoring Stability to a Proven Program

I agree with the original intent of the 1902 Reclamation Act, which was to promote settlement of the West and to provide opportunities for individuals who wished to obtain land for farming and provide homes for their families—in short, to promote a viable agricultural economy in the Western States that would benefit the entire nation. As I have noted, the reclamation program has accomplished this marvelously.

The overriding consideration as I see it today is to restore stability to the reclamation program at the earliest date. In the past several years, the ground rules, which have governed the program since its inception, have been tampered with. This has caused untold turmoil, particularly in reclamation land financing. Some funding entities, including insurance companies, commercial banks, the Farmers Home Administration, and the Production Credit Administration, have been forced to reevaluate participation in reclamation land financing

(see **STABILITY**, page 10)

Restoring Stability

(continued from page 9)

for farmers. Some have even placed moratoriums on further funding in reclamation areas. To say the least, this has had an unsettling influence on the economy of reclamation areas.

I might also add that the many and varied changes against the reclamation program and its participants—particularly the Westlands Water District, which is located in the Congressional District that I represent—have not only served to thrust the reclamation program into turmoil, but have biased the general public's perception and understanding of the reclamation program.

The Westlands Water District

The truth is, reclamation law is breaking up the large ownerships that most opponents of the present system speak of. In the Westlands Water District, (the most commonly cited example of reclamation law "violation"), the number of family farms has more than doubled, from 97 farmers before the delivery of project water to 227 farm operations today. In addition, the average size of the reclamation farms in Westlands has dropped from 4,640 acres to about half that amount, and will continue to drop even further once the court-imposed moratorium on excess land sales is lifted. The Westlands Water District *has never been and is not in violation of any of the provisions of reclamation law.* Interior Secretary Cecil D. Andrus himself has publicly acknowledged this in testimony before Congress.

The large landowners in Westlands made an unequivocal commitment to the Congress that they would sign recordable contracts and dispose of their excess lands in accordance with the provisions of reclamation law. They have done so. More than 350,000 acres in Westlands are under recordable contract, and more than 130,000 acres of recordable contract lands have been sold to non-excess ownership status. The federal reclamation program is working just as Congress intended it to in Westlands.

One of Westland's harshest critics, Congressman George Miller of Contra Costa County, has time and again pointed to the "huge subsidy" that Westlands receives. I find his charge interesting. Westlands currently pays $8 to $11 per acre-foot for agricultural water, and up to $21.80 for M&I (municipal and industrial) water. I have been advised by the Commissioner of Water and Power Resources Service that the "effective rates" for the Contra Costa County Water District are " $4.80 for M&I water, and 50 cents for agricultural water." The Commissioner added that of the "4.80 effective M&I rate, $4.30 is credited towards repayment of the Contra Costa Canal (CCC) capital costs, and 50 cents is for CVP power, which is only sufficient to recover operation and maintenance costs for power...the CCCWD is making no payments toward the operation and maintenance and capital costs of CVP storage facilities, nor toward the capital costs of CVP power facilities..."

I note this not to throw brickbats into someone else's backyard, but to illustrate the kind of charged political atmosphere we are dealing with—an atmosphere totally lacking in perspective and responsibility. What are we really "reforming?"

Proposed Legislation

The legislation currently under consideration by the Congress, at this writing, proposes resolution of such controversial issues as 1) determination of eligible acreage and eligible operators; 2) leasing; 3) residency; 4) equivalency; 5) farm management; 6) prepayment of project costs; 7) multi-district ownership; 8) antispeculation; 9) buyer qualifications; and 10) the length of the "grace period" for farmer compliance with any new law.

I basically feel that residency should not be required, that a more reasonable acreage limitation than 160 acres should be applied, and that leasing should not be restricted. The Bureau of Reclamation (now the Water and Power Resources Service) determined in 1926 that residency is not a requirement. With regard to leasing, the key to tremendous productivity and viability of California's agricultural industry is flexibility, and leasing helps provide flexibility. I support a proposal to allow farmers to lease lands in excess of acreage limitations by paying full cost for the extra water—including interest. Where there is no subsidy, there should be no restrictions. As Senator Alan Cranston has said,

> "...I do not think the federal government should have the right to tell a farmer how much land he could lease where no subsidy is involved. [My] amendment totally eliminates the subsidy in leased land in excess of acreage limitations by having the farmer pay the full cost. The American taxpayer and the public interest are protected in this amendment."

Senator Cranston was referring to an amendment he offered to S.14, the Senate bill to revise reclamation law.

Conclusion

My primary concern is that the reclamation law reform controversy is resolved in a manner that will achieve the greatest public benefit and equity. This would be accomplished with consideration of the just distribution of the benefits of publicly financed irrigation works, the best interests of the regional economies involved, prudent support for family farmers in America, and the rights of existing farmers and landowners in reclamation-area districts throughout the West who

have invested millions of dollars into their farms and complied uniformly and completely with reclamation law.

To state it further, my primary concern is that the reclamation program continues to benefit the legitimate family farmer, by providing him with the opportunity to obtain land for farming and to provide a home for his family.

Congressman Tony Coelho, a member of the House Agriculture Committee, represents the Fifteenth Congressional District of California.

Landowner Monopoly

(continued from page 5)

their virtually unrestricted access to heavily subsidized federal irrigation water. Lobbyists, including prestigious District of Columbia law firms and ex-congressmen, are being paid as much as $10,000 monthly, plus expenses. During this year's session, one Capitol Hill insider estimated these biggies are spending as much as $250,000 monthly.

On the other side, National Land for People, a small farm group out of Fresno, California, has been spearheading a drive for new legislation, H.R. 7317, by Congressman Weaver (Dem.—Oregon), modernizing the federal water-food policies to provide broad access to the perpetually subsidized water and prevent monopoly by large landowners. NLP has garnered general support on most of its policy aims from National Farmers Union and other farm groups, the AFL-CIO, Rural America, and various church lobbying groups.

As this is being written in mid-August, 1980, the largely successful lobbying drive of the big California operators is bogged down in the House Rules Committee. H.R. 6520 as passed by the House Interior Committee grants to the biggies almost everything they want. The bill's original author, Interior Committee Chairman Mo Udall, was so displeased with what the committee did to his bill that he wrote a protesting letter in the committee's report, despite the fact that all the committee did was marginally extend the big landowner benefits which Udall had put in the bill in the first place.

This issue is virtually unknown by most Americans because its long-range farming-food implications are camouflaged behind the reclamation law reform rhetoric and technicalities. Stripped down to its basics, however, the issue is disarmingly simple:

(1) shall the wealth produced by the general taxpayers be widely shared as the reclamation program intends, or narrowly controlled by a few?

(2) will the perpetually subsidized federal irrigation water developed in the 17 western states be used for its original and continuing purpose of creating small-to-medium-sized family farm opportunities and healthy rural communities, or will these great resources be used to further enrich big farm operators including multinational corporations such as Dole, Chiquita, Standard Oil, Getty Oil, Boswell (Los Angeles Times), Southern Pacific, and huge family plantations?

(3) will the reclamation program be used to undergird the most efficient form of farming—one-to-two person operations—or big, bureaucratic, inefficient corporate farms?

> ("From the standpoint of efficiency, there is no effective substitute for the small-to-medium sized independent grower who lives on or near his farmlands... ")*

The answers are obvious and simple in terms of what is best for the most people; however, decisions in Congress are based on political pressure and political pressures come from "most of the people" only when they know what is at stake and are fired up. Neither is the case on the reclamation/food reform issue—at this time; but as the dogfight drags on, the significance of this issue begins creeping into our collective awareness around the country. For our growing consciousness to become effective, we must familiarize ourselves with some of the reclamation-food rhetoric and technicalities.

The Federal Irrigation Subsidy

According to a 1979 study done at the University of California, irrigators on federal projects *repay (on the average) 6%* of irrigation costs incurred by the federal government, while taxpayers and, in some cases, electric power users, pay the *rest: 94%.* The biggest subsidy is *40-60 year interest-free loans* (which really run as long as 150 years, by Interior's own admission). Interior lingo also hides subsidies from the casual observer. Examples:

(1) Interior's "*full cost* of delivering project water" means "the actual cost to the United States of operating and maintaining" the facilities which store and deliver the water, but *none of the capital costs or 150-year interest charges.*

(2) Interior's "construction charges" are "amounts of principal obligations (interest free for up to 150 years) payable to the United States." These "obligations" are determined *not by construction costs,* but by a complicated Interior guesstimate of the "irrigator's *ability to pay.*"

The Current Reclamation Food Law

The current reclamation law permits one landowner to receive a permanent right to no more than 160 acres worth of federally subsidized irrigation water. The law deals with *water, not land.* Land is involved

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* *Tenneco, operator of over 60,000 acres of land receiving federally subsidized irrigation water.*

(see **MONOPOLY,** page 12)

Landowner Monopoly

(continued from page 11)

only as it uses federal water. A landowner may irrigate unlimited acreage with the federal water, if he or she desires, if he or she signs a contract with the federal government in which the government agrees to deliver water to the so-called "excess lands"—that over 160 acres—and the recipient agrees to sell the excess land by the end of 10 years to small farmers, and at prices assuming the project water was not available. *Both* buyers and land prices must be approved by the Department of Interior. The existing law is clear that the permanent beneficiaries must be resident, family farmers and that each farm is limited to 160 acres worth of water.

Gradually over the years, this clear legislative intent has been administratively eroded. Husband and wife have been allowed 160 acres each, then 160 acres for one child, then other relatives, then anybody. Interior then stopped enforcing the residency requirements, and finally allowed the transfer of huge parcels in one block, obviously controlled by one party, with "paper" farmer names on every 160 acres, and the "paper" farmers "leasing" to the real owner.

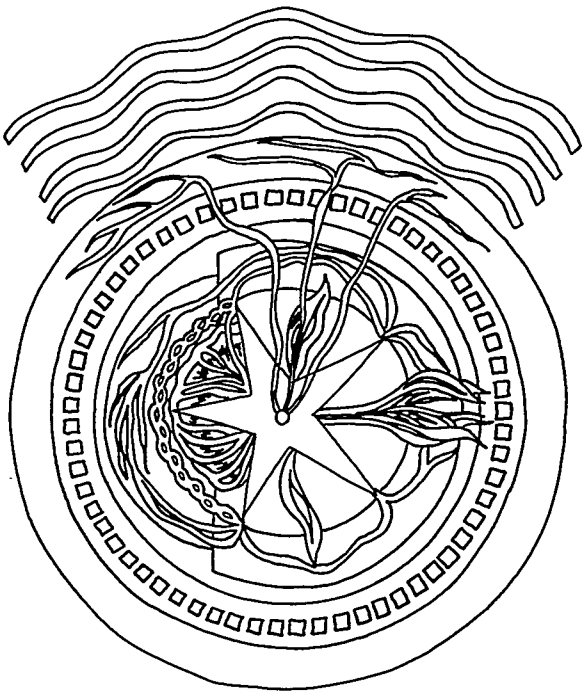
Interior's policies became so contorted that in the mid-'70s it was able to approve a 160-acre-limit sale involving the transfer of 8,000 acres (12 square miles) financed by a Japanese trading corporation. In another Interior- approved transfer, involving 12 alleged buyers, NLP research led to the first indictment and first conviction ever under reclamation law. It turned out that the so-called buyers had no interest in the property, other than that they were paid $1,000 each for the use of their names. The main indicted person's defense was that he did only what Interior said he could do, and, "besides, everybody else is doing the same thing. Why pick on me?"

National Land for People's Proposals

NLP's first response was to go to federal court and obtain an injunction (in August 1976) against Interior approving any more excess land transfers until the policies were changed. Policies proposed in August 1977 by Secretary of the Interior Andrus under this court order were inadequate to handle the scandals we had uncovered and to assure small farmer opportunity promised by the program. So by early 1978, NLP had drawn up a legislative proposal which reached its final form in H.R. 7317. Its aim: assure small farmer opportunity, healthy rural communities, a more democratic and nutritious food system, and prevent subsidies for food monopoly.

H.R. 7317's main provisions include:

(1) lottery on the distribution of all reclamation land except for a family exemption of up to 640 acres, larger in colder climates and higher elevations;



(2) mandate Interior to divide reclamation lands to be sold into parcels ranging from 20 to 640 acres with a 150-200-acre average, higher in colder climates and higher elevations;

(3) flexible residency requiring all buyers of reclamation lands to live on or near their operation (15 miles or nearest incorporated town), but exempting current non-excess owners, retired farmers, and inheritors of family farms. All buyers would have to be operating farmers with farming as their main occupation:;

(4) allow irrigators to use any legal entity as long as all officers and owners were resident working farmers;

(5) no exemptions from these limitations for Kings River, Imperial Valley, churches, charities, bankers, trustees, or state farms as contained in H.R. 6520;

(6) prohibit irrigators from having any interest in more than 640 acres worth of water (higher in colder climates), owned and/or leased. This does not limit land ownership or leasing, only ownership and leasing of land receiving federally subsidized water.

(7) prohibit speculation in reclamation lands for 60 years.

As the dogfight drags on, NLP's policies stand a better and better chance of passage, as the significance of the issue becomes more widely known. At the present time, NLP's policies don't stand two chances in hell.

George Ballis represents National Land for People, an organization which has led the fight for strict enforcement of the acreage limitation and residency requirement.

Desert Plan

(continued from page 1)

Consequently, Congress established the California Desert Conservation Area (CDCA) and directed BLM to develop a "multiple use and sustained yield management plan" to provide for the conservation and appropriate use of desert resources. After three years of study and plan development, BLM released a draft California Desert Plan and a draft environmental impact statement (EIS) on February 15, 1980. After a 90-day public comment period, BLM developed a proposed plan and final EIS that was released on September 30, 1980.

Desert Zoning

The draft plan and EIS present four management options. Each option consists of a different mixture of the four "multiple use classes" developed by BLM:

C - *Controlled Use.* Areas assigned to this class will be preserved in their wilderness state. They will be recommended to Congress for wilderness designation under the Wilderness Act.

L - *Limited Use.* Priority protection will be given to sensitive resources of all kinds, but uses will be allowed where they do not seriously degrade these resources. Allowable uses include electricity transmission lines, off-road vehicles (ORVs) on *designated* roads and trails only, and limited livestock grazing and mining.

M - *Moderate Use.* These lands may receive a wide variety of moderately intensive uses, providing for mitigation of damages caused by permitted uses such as grazing, mining, electric power plants, and ORV use on all *existing* roads and ways.

I - *Intensive Use.* This is the most consumptive use-oriented class, permitting intensive uses with only "reasonable" mitigation of damages. This class allows all the uses under Class M, but with fewer restrictions. Also, it provides for designation of "open" areas where ORV drivers will enjoy unrestricted use.

The Draft Alternatives

The four options presented by BLM in the draft plan and EIS allocate land to each of the four classes in varying proportions:

1. The *no-action alternative* would continue present management with little or no change. This alternative exists only for comparison with the others.

2. The *protection alternative* is oriented toward maximum preservation of sensitive desert values such as scenic quality, plants and animals, and cultural and historic resources. This alternative allocates 43%, or 5.2 million acres, of BLM land to Class C; 49%, or 5.9 million acres, to Class L; 4.6%, or 552,000 acres, to Class M; and 1.2%, or 141,000 acres, to Class I.

3. The *use alternative* favors maximizing consumptive and intensive uses of the desert, maintaining only minimum environmental protection standards. 5% of BLM lands are allocated to Class C, 17% to Class L, 62% to Class M, and 13% to Class I.

4. The *balanced alternative* seeks to equalize consideration of economic and environmental values, presenting what BLM believes is a central position between the protection and use alternatives. It allocates 15% of the lands to Class C, 43% to Class L, 36% to Class M, and 3.4% to Class I.

Other Plan Components

Once an area is assigned to a class, many uses that are consistent with the class may nonetheless conflict with each other in the area. To help resolve potential conflicts, BLM developed several Plan Elements, covering specific resources and activities of public concern. The Plan Elements identify existing and possible conflicts, set goals for each element, and help managers resolve specific conflicts within each area. The elements, discussed separately under each alternative, are: Cultural Resources-Native American Values; Recreation; Wilderness; Motorized Vehicle Access; Energy Production- Utility Corridors; Mineral Exploration and Development; Livestock Grazing- Wild Horses and Burros; Wildlife; and Land Tenure Adjustment.

The draft plan also designates 50 specific areas of critical environmental concern (ACECs). Under all options, ACECs will receive special protection on a continuing basis in order to protect specific environmental or cultural resources.

Public Reaction

Anticipating that the final plan would be based on the balanced alternative, the public's attention during the period was focused on whether this alternative actually strikes a fair balance. The conservation community immediately attacked the draft plan as biased against preservation and actually destructive of the resources it was intended to protect. Other recreational users and resource developers attacked the draft plan as overly restrictive of consumptive uses. The major subjects of criticism included wilderness, wildlife, ACECs and ORVs.

• *Wilderness.* During the planning process, BLM made a list of 138 potential wilderness areas, or wilderness study areas (WSAs), totaling 5.7 million acres of desert land. BLM rated each area as "outstanding," "good," "fair," or "poor." From this list, BLM chose those areas it felt were most suitable for ultimate wilderness designation under each option. Critics on both sides complain that BLM did not disclose how each WSA was determined to be suitable or nonsuitable under each option.

Of the 5.7 million acres of WSAs, 72%, or 4 million acres, were rated "outstanding" or "good," but in the balanced alternative only 32%, or 1.8 million acres, of the WSAs are recommended for wilderness designa-

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Desert Plan

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tion. In the protection alternative, 92% of the WSAs are recommended for wilderness designation and in the use alternative 11% are recommended.

Conservationists argue that the low balanced alternative figure does not reflect a balance between the protection and use alternatives. In addition, conservationists believe that a high level of wilderness protection is necessary to preserve the unique and fragile desert environment.

Those arguing for less wilderness areas claim that the harsh desert environment has little value for wilderness recreation, but has great value for resource development. Both mining and grazing will be restricted under the balanced alternative. Miners want more mineral studies to be conducted in potential wilderness areas before they are recommended for wilderness status.

•*ACECs.* Desert Plan staff resource specialists identified over 200 critical areas. BLM managers rejected 115 and consolidated the remaining 87 into 50 ACECs. Though FLPMA states that ACEC designation is to be given priority in development plans, no specific explanation is given as to why each rejected area was excluded from ACEC protection. Some of the public commentators feel that all of the originally identified critical areas should have been included, while other commentators think that many of the 50 areas lack the proper criteria for ACEC designation.

•*Endangered Wildlife.* According to the draft plan, under the balanced alternative, eight officially listed endangered species would receive "substantial impacts to their habitats," possibly leading to extinction or extirpation (elimination from the area). The Desert Tortoise is predicted to be extirpated in three or four major crucial habitat areas. Of seventy special wildlife habitat areas identified, 71.4% would be negatively or severely impacted. Thirteen proposed sensitive species would be impacted to the point of requiring official listing as endangered. Even under the protection alternative, seven officially listed species would have all or substantial portions of their habitats adversely affected. Negative impacts would occur on 37.1% of the seventy special wildlife areas. Under the use alternative, nine listed species would receive negative or severely negative impacts. Negative or severely negative impacts would occur on 90% of the special wildlife areas.

•*ORVs.* Almost 40% of BLM lands come under Classes M and I in the balanced alternative. Class I includes areas totally open to ORVs, even if such areas include dunes and washes not specifically closed. These are often sensitive wildlife and rare plant habitats. All Class M and I areas are open to ORV use on "existing" roads, trails, and ways, defined as any track that shows evidence of prior ORV use and was recorded as being in existence by December 31, 1977. Conservationists

believe that this is an unenforceable definition because tracks are easily made in fragile desert soils and any track can be interpreted by a driver as "existing." They also believe the establishment of "open" areas violates Executive Order 11989, which states that whenever ORVs are causing or will cause considerable adverse impacts on natural or cultural resources of an area, "the respective agency head shall . . . immediately close such area."

ORV users were equally critical of the treatment of ORVs under the balanced alternative. Vehicle users believe that the key to minimizing impacts of ORVs is not to severely restrict their use, but to educate ORV users in the proper use of their vehicles to avoid damage. Vehicle users criticize the balanced alternative for reducing the opportunities for "open" ORV use. The amount of land available for ORV free play will be reduced by 54% in the balanced alternative. Vehicle users feel this is too restrictive and will only serve to intensify the damage in areas that will be open.

The Proposed Plan

BLM released its proposed plan and final EIS on September 30, 1980. The public comment period is 30 days. When the review of public comment is finished, BLM will complete the final plan, which will be published early in 1981.

As expected, the proposed plan is closest to the balanced alternative in the amount of land allocated to each of the multiple-use classes. In the proposed plan, 17.1% of BLM lands are allocated to Class C (up from 15.1% in the balanced alternative), 49% to Class L (up from 43%), 27.3% to Class M (down from 36%), and 4.1% to Class I (up from 3.4%).

Though the amounts allocated to each class are similar to the balanced alternative allocation, BLM points out that "the geographical location of the classes

has been readjusted in response to public input and reevaluation of known and potential resource conflicts." BLM completely reanalyzed ORV "open" areas, Wilderness Study Areas, and ACECs.

Some of the more important changes include: an increase in the number of areas recommended for wilderness designation from 39 to 43; inclusion of an analysis of each Wilderness Study Area; an increase in the number of ACECs from 50 to 73; strengthening wildlife protection so that rare and endangered species are not significantly impacted; the addition of a Vegetation Plan Element; an increase in the amount of land that will be "open" to unrestricted ORV use; a change of definition of "existing roads and ways" to "existing routes of travel"; and permitting organized competitive ORV events to cross Class L areas. In general, BLM has attempted to accommodate the demands of all recreational users of the desert.

The Future

Whatever weaknesses the final plan may have, early next year it will become the official guide by which the California Desert will be managed. Whether it will satisfy the critics remains to be seen. Open ORV use will still be reduced from present levels and wilderness recommendations will still make up only 37% of the WSAs (as opposed to 92% in the protection alternative). Greater restrictions will also be placed on mining and grazing.

On the legal front, environmentalists believe that the plan may violate Executive Order 11989 and the Endangered Species Act. Also, because many feel the range of alternatives was inadequate and there was not sufficient site- specific analysis, the EIS might be subject to attack as a violation of the National Environmental Policy Act in the same way as the Forest Service's RARE II program. (See Vol. 4, No. 2, *ENVIRONS.* Ed.)

Congress can do what it wants with wilderness, whatever the recommendations of BLM. As with RARE II, wilderness proponents may simply bypass the administration and take their proposals directly to Congress. Already, conservationists are proposing expansions of the Death Valley and Joshua Tree National Monuments and creation of an Eastern Mojave National Park.

As usual, the completion of a final land use plan will not be the last word. The California Desert Plan will assuredly provide grist for the judicial and legislative mills for many years to come.

Wally Burton

our MONEYTREE

is part of an extinct species... in spite of our environmental efforts...so we turn to you, our readers, with this plea for support...

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