

# Desert act turns 20, what it saved

**Deborah Sullivan Brennan, UT San Diego, 10-30-14**

Twenty years ago today, the California Desert Protection Act designated 7.6 million acres of the state's backcountry as wilderness.

Portions of that land had been mined, grazed and used illegally for off-roading.

For desert lovers such as Nick Ervin of San Diego, California's deserts represented a wide-open expanse of solitude and stillness, just hours from the state's biggest cities. After surveying what he saw as damage to them from human activities, he found a chance for restoration.

Ervin joined fellow Sierra Club activists to spearhead San Diego County support for the Desert Protection Act, first introduced by Sen. Alan Cranston and then shepherded through Congress by Sen. Dianne Feinstein.

The legislation established the 1.6 million-acre Mojave National Preserve and designated Death Valley and Joshua Tree as national parks. It also set aside as wilderness smaller tracts in San Diego and Imperial counties, including the Fish Creek, Coyote and Sawtooth mountains near Anza-Borrego Desert State Park.

The bill faced opposition from people who feared it would engulf private land, ban visitors from wilderness areas and forbid popular activities such as hunting and off-roading. The debate escalated into scuffles at times, Ervin remembered.

In the end, the law didn't secure the pure, unaltered wilderness that some proponents sought. Certain mining and grazing operations were grandfathered in, and hunting continues in the Mojave National Preserve.

Motor vehicles aren't allowed in wilderness zones. But adjoining land and some roads that traverse the protected acreage are still open to traffic that includes off-road vehicles, said Paul Turcke, an attorney who has represented off-road enthusiasts nationwide. Litigation over the desert access remains to this day, he said.

The legislation became law on Oct. 31, 1994, when then-President Bill Clinton gave it his signature. For the 20th anniversary milestone, Ervin, a retired psychotherapist who now teaches at National University, talked with U-T San Diego about his efforts to preserve the state's open spaces. Here is an edited version of that discussion:

**Question: How did you get involved in the campaign to pass the California Desert Protection Act?**

Answer: I was active in the local chapter of the Sierra Club in the late '70s early '80s. ... Some big conservation activists in Los Angeles gathered information and then approached Sen. Alan Cranston about sponsoring a bill in Congress to rectify the big problems with how the desert was being run over by off-road vehicles, reckless mining, reckless grazing and uncontrolled urban

development around desert cities. They said we need organizers in San Diego and Imperial counties.

**Question: What was your particular role?**

Answer: I and two other organizers ... followed the bill from 1988 to 1994. We wrote articles, we did letter-writing campaigns. I did old-fashioned slide shows — it wasn't PowerPoint in those days. I did garden clubs, classroom presentations. We wrote op-eds.

**Question: What were the challenges to securing support for desert protection?**

Answer: There was a belief that it's an empty waste, where there's not much life. Or it's a fearful place with rattlesnakes and scorpions. It's a harder sell to the general public than forests or lakes.

**Question: Why did you believe the cause was important?**

Answer: I had been hiking in the desert for years and years, and had seen how outside of Anza-Borrego Desert State Park, there were lots and lots of off-road activities. ... Desert foliage is very slow to heal and very fragile. You can do hundreds of years' worth of damage in an afternoon with an off-road vehicle that is poorly used.

**Question: What does the act mean for San Diegans?**

Answer: It means that a lot of the desert lands around Anza-Borrego park have the highest official protection status that you can give any land in perpetuity. It would require an act of Congress to reverse the Desert Protection Act.

**Question: What were your responses to critics who said the law imposes restrictions on too much land?**

Answer: There were meetings in the late '80s that were big-time contentions. There was actually some pushing and shoving going on. ... I personally got hate mail. They were typically centered around one accusation that we were locking up desert land against the average citizen. ... The old stereotype was we were watermelons — green on the outside and red on the inside. People said it was a communist plot, socialism in action in the California desert.

**Question: What were the eventual accommodations for existing uses such as wildlife management, hunting and grazing?**

Answer: One of the big concessions was the Mojave National Preserve (instead of it becoming a national park). There were several concessions that hunting would permanently allowed. ... Back then, there were people doing grazing on federal lands under a lease, who were really afraid of losing their grazing rights. Dianne Feinstein said we will never force you to sell (grazing rights). That was a pretty big concession. There's always been a big debate about guzzlers (artificial water sources built to aid wildlife). The Desert Protection Act doesn't really address what guzzlers should be allowed and where. And that debate goes on.

**Question: What do you think about the status of the California desert today and the role of energy developments such as solar and wind farms?**

Answer: As preservationists we've been torn, because as preservationists we support renewable energy. But some of us on the desert land (issue) object to some of these developments because the government is sometimes allowing them on lands that are not already burned out agricultural lands, or toxic waste sites and brownfields. They've allowed some of these developments on pristine, high-quality desert habitat and not next to existing power lines. ... We're also arguing for more rooftop development in cities, where the energy is used. Renewable energy and where it's to be sited is the argument for decades ahead.