

Eagle Mountain legal battle settled after 15 years

Sammy Roth, Palm Springs Desert Sun, 1-1-15

A longstanding legal battle over land around the old Eagle Mountain iron mine has been settled in a deal that some activists hope could bring the mine one step closer to inclusion in Joshua Tree National Park.

The old mine has been the subject of fiery debate in recent years, with several groups fighting over its future. The owners have been trying to sell the land to another mining company, while a separate company has obtained federal approval to build a hydroelectric power plant at the site. Conservationists, meanwhile, want to see the area absorbed by Joshua Tree National Park, which surrounds it on three sides.

The legal settlements signed last month don't directly address any of those possibilities. Rather, they require Kaiser Eagle Mountain, which owns the mine, to return to the federal government certain lands surrounding its property, which the company received as part of a land exchange 15 years ago.

Regulators say that Kaiser still has the right to mine those lands, and that the partial reversal of the land exchange is more of a technicality than anything. Bureau of Land Management spokeswoman Dana Wilson said the land's return to federal control "doesn't in any way relate" to the possibility of the area becoming part of the national park.

"If the park service is interested in the future in pursuing that, then we'd need to cross that bridge when we get to it," she said.

Conservationists, though, see last month's settlements as a major step toward the land being incorporated into Joshua Tree National Park. They've argued that the old mine — and the ghost town next to it — have conservation and historic value, and would allow park visitors to learn about the history of mining and steelmaking.

Donna Charpiet, a local activist who brought one of the lawsuits to undo the land exchange, said Kaiser giving up its ownership of some of the land removes "a monumental stumbling block" to the national park proposal.

"We just knocked one of the heads off the hydra," she said. "Time to get that land back to the park now. There's no reason not to."

It's unclear what prompted Kaiser to agree to the settlement, after years of fighting Charpiet and the National Parks Conservation Association in court. Kaiser Eagle Mountain Vice President Terry Cook said the company could have demanded it get back the lands it gave up 15 years ago, but that it decided to be "magnanimous" by letting the federal government keep them.

Those lands are important because of their conservation value. The Bureau of Land Management said in a statement that they include critical habitat for threatened and endangered species, including the desert tortoise, the flat-tailed horned lizard and the Yuma clapper rail.

"We thought long and hard about it, and we decided we'd let the (Bureau of Land Management) retain the lands, even though we were entitled to receive them back," Cook said. "We're trying to do the right thing by people."

It's possible that Kaiser had other motives for agreeing to the settlements as well. David Lamfrom, who works for the National Parks Conservation Association, speculated that the company might be trying to ease a potential sale to another mining company.

"Having a longstanding lawsuit over the raincloud of any prospective buyer just makes things so much more complicated," he said.

It's also unclear what the settlements mean for the hydroelectric power plant proposed by the Eagle Crest Energy Company. The Federal Energy Regulatory Commission granted a license for the plant earlier this year, but Kaiser has thus far refused to sell its land to Eagle Crest.

The possibility of a sale could be more remote now, since some of the land that Kaiser returned to the federal government could be needed for the hydroelectric plant. Cook, Lamfrom and Charpiet all said they weren't yet sure what the reversal of the land exchange means for Eagle Crest's proposal.

Conservation groups and the National Park Service have vehemently opposed the hydroelectric project, saying the power plant would drain billions of gallons of groundwater from an aquifer adjacent to Joshua Tree National Park.

The Eagle Crest Energy Company first proposed the hydroelectric project two decades ago — a move that angered Kaiser executives, who at the time had endorsed a plan to build a massive garbage dump at Eagle Mountain. That plan, which fell through last year, would have involved Kaiser selling its land to the Sanitation Districts of Los Angeles County, which would have built the landfill.

In preparation for that sale, Kaiser executed a land swap with the federal Bureau of Land Management in 1999. That land exchange was the source of the legal controversy that was finally settled last month.

As part of the original land exchange, Kaiser gave the federal government land it owned alongside the Eagle Mountain railroad, which stretches from the eastern shore of the Salton Sea to the mine site. In exchange, the company received federal land surrounding the mine, which would have been used for the landfill project.

But conservation groups have long criticized the exchange, saying that it was carried out illegally and that federal land managers got the worse end of the deal. They've also argued that the exchange is no longer necessary now that the landfill plan has been scrapped.

Now, those groups have succeeded in reversing part of the land exchange. The reversal may or may not have practical implications — Kaiser could still mine the exchanged lands — but Lamfrom sees the end of the long-running legal battle as critical to Eagle Mountain's future.

"This is a milestone that I think gets us back to a place where we can start having reasonable discussions about what the future of this landscape is," he said.

Lamfrom's organization supports studying Eagle Mountain for inclusion in the national park, saying that setting aside the area would connect important fragments of wilderness.

National park officials have agreed that preserving the area would be beneficial. Such a step would require action by Congress or President Barack Obama's administration.

Industrialist Henry Kaiser founded the iron mine in the 1950s, on land that was carved out of the

southeastern corner of the Joshua Tree National Monument — the predecessor to the national park. But the mine was shut down in the early 1980s as production of steel in the United States waned.

Federal and state regulators maintain that Kaiser never gave up its mining rights at Eagle Mountain, although local activists have contested that claim. Charpied and others have accused Kaiser of conspiring with state regulators to keep control of the site, which still has millions of tons of valuable iron ore.