

To Ride Alone In a Forever Unpossessed Country

An Administrative History
Of Death Valley National Park



By Hal K. Rothman

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National Park Service

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By Hal K. Rothman
Daniel J. Holder, Researcher

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Hal K. Rothman and Associates

2137 Wilbanks Circle

Henderson NV 89012

“Only the desert has a fascination – to ride alone – in the
sun in the forever unpossessed country – away from man.
That is a great temptation”

D. H. Lawrence

Table of Contents

Executive Summary	i
Introduction.....	v
1. Before the Monument.....	1
2. On the Periphery: Death Valley National Monument, 1933-1965	37
3. Changing the Meaning of Desert: The Environmental Revolution and Death Valley National Monument, 1965-1994	69
4. Administering Death Valley	111
5. Native Americans and the Park.....	161
6. Interpreting Death Valley	215
7. Cultural Resource Management.....	265
8. Natural Resource Management.....	309
9. Epilogue: Death Valley in the New Century	353
Appendices	
a) Significant Events	367
b) Significant Legislation	
a) President Herbert Hoover's 1933 Proclamation	385
b) President Truman's Devil' Hole Proclamation.....	387
c) California Desert Protection Act.....	389
d) Timbisha Shoshone Homeland Act	391
c) Boundary Adjustments.....	393
d) Superintendents.....	395
e) Visitation.....	399
f) Historic Properties	401
g) Bibliography	403

Photographs follow select chapters. All photographs courtesy Death Valley National Park.

Executive Summary

Among national parks areas in the United States, Death Valley National Park is unique. From its establishment as a national monument in 1933, it has been at variance with the main currents of the National Park Service. As a result, Death Valley never received the resources it merited. Two principles define its history: it has always suffered from a lack of staff and financial resources and only in the 1990s has its desert features attained the respect historically accorded national parks.

Created in a moment of particular interest in deserts and spurred by the personal interest of National Park Service directors Horace M. Albright and Stephen T. Mather, its differences defined Death Valley from other parks. Perceived as containing the wrong kind of scenery for national park status in the 1930s, it also had the enormous disadvantage of being full of inholdings that made the National Park Service wince. Mining claims abounded. Not only did these claims hold strong social meaning in the desert, the legislation creating the monument permitted additional claims to be filed. This difference hamstrung the monument, for it did not seem to reach the level of protection of other areas in the system.

While most national park areas faced inholdings, Death Valley's mining inholdings had two distinct traits: they were routinely worked landscapes and they could grow in size no matter what the National Park Service did or planned. In a way that was uncommon at the time, the National Park Service found itself on the defensive as it tried to manage its new area.

Even more, the national monument covered the homeland of the Panamint

Shoshone, also called “Timbisha.” These people lived in the area and at Furnace Creek in particular well before there were written records, yet were given no formal status at the establishment of the monument. For almost seven decades, they struggled to attain land as the National Park Service tried to understand and then accommodate them. A seven-decade process, fraught with acrimony and mistrust, culminated in the establishment of a Timbisha homeland in 2000.

For much of its history, Death Valley faced a lack of agency interest. In the 1930s, the enormous Civilian Conservation Corps programs provided resources but managed to ignore the larger needs that development created. The pattern of agency neglect predominated for the better part of the next half-century. Although the park added a museum and visitor center and housing because of Mission 66, the capital development program provided one of the few moments during which the monument received resources adequate to its needs. Despite the efforts of generations of staff, Death Valley mostly languished, a victim of its national monument status and the peculiar disregard Americans felt for desert landscapes.

As a result, Death Valley National Monument was largely unprepared for the onslaught of post-World War II expansion into the desert. The National Park Service lacked the personnel and the resources to administer the vast expanse, and even with programs such as Mission 66, the agency played a dangerous game of catch-up. As people of all kinds came to the desert in greater numbers, the park required flexibility to manage the many facets of its obligation.

In the 1970s, Death Valley was the scene of two of the most important decisions that affected national park lands. The 1976 Mining in the Parks Act resulted from a legal

open pit mine within the monument. The new law gave the National Park Service much greater control over mining within its boundaries, and ultimately led Death Valley to fold the position of mining engineer, an anomaly in the National Park Service, into the creation of the Resources Management Division in 1984. The Cappaert case, a 1976 U.S. Supreme Court decision, upheld the principle that federal land proclamations inherently contained sufficient water rights to administer the area for the purpose it was established. This allowed the National Park Service to maintain rare species of pupfish in the Devil's Hole section of the park and set a precedent that helped federal agencies in numerous other instances.

In 1983, the most influential superintendent in a generation arrived at DEVA. Edwin Rothfuss became the era's dominant figure, effectively melding the values of an agency "greenblood" with the new requirements that followed the statutory revolution. Given leave to solve the burro crisis that had plagued management since the 1930s, Rothfuss became the figure that defined the monument. Compared to most Death Valley superintendents, who spent about three years in office, Rothfuss spent almost thirteen years at Death Valley, not only addressing crucial issues that included exotic plant species and native fauna such as the desert bighorn sheep but playing an instrumental role in the California Desert Protection Act and the process of transforming Death Valley to national park status.

In the years since, Death Valley's fundamental problems have remained: the change in status to national park added more than one million new acres without a parallel increase in resources to match the management requirements of the new lands. The change in status was and is a hopeful sign; it suggested greater respect for and

appreciation of the resources of the desert, but it illustrated the park's time-honored problem. Death Valley National Park remains among the most poorly funded parks per acre, a condition that maintains management as an eternal rear-guard action. Combined with the difficulty of meeting federal mandates and building and maintaining constituency in the vast expanse of the park and its surroundings, Death Valley faces a difficult future. Its dedicated and determined staff help make up for the shortfall in resources, but the future health of park resources hinge on whether the park's budget allocation is equal to the task of management.

Introduction:

Mojave: The Definitive American Desert

From the small outpost of Death Valley Junction near the Nevada state line, California Highway 190 quickly drops in elevation. The above-sea-level landscape seamlessly changes as the miles pass, becoming more colorful, more jagged, more ornate, and more spectacular as the descent continues. Even the casual traveler can see the difference, feel the transformation, and intuit the special nature of what is to come. To people from a culture shaped in humid places, defined by forests and prairies, this journey into the Mojave Desert is a revelation. It forces the concept of arid landscapes into the traveler's perception, and demands that the viewer personally come to grips with the desert. The landscape's power is so great that it is little wonder that acclaimed author David Darlington calls the Mojave "the definitive American desert."¹

Inside the signs that mark Death Valley National Park's boundaries, the distinctions become even more pronounced. The markers go by: 3,000 feet at the park boundary; 2,000 feet at the turnoff to Billie Mine and Dante's View; 1,000 feet just before the 20-Mule-Team Borax loop; sea level at the Furnace Creek Wash; and finally 190 feet below sea level at the Furnace Creek Visitor Center. During the descent, a marvelous scenic view unfolds. The world seems elongated and stretched, made grander by the clarity of the vista. Distances are telescoped; miles seem inconsequential. Faraway features appear so close that every detail is visible. The Panamint Range to the west and the Cottonwood Mountains strike up toward the sky in spectacular glory. Stone gray

¹ David Darlington, *The Mojave: A Portrait of the Definitive American Desert* (Henry Holt: New York, 1996), 1-6.

without the sun, they turn a bright gold as light streams in at sunrise. They reveal a singular beauty, a mystical power that easily overwhelms unsuspecting visitors.

While not the first national park in a desert, Death Valley National Park remains quintessential, the most complex and intriguing of all U.S. desert national park areas. None of its peers can claim as diverse a human and natural history; nowhere else among desert parks is the variety of human and natural stories so broad. Located in the heart of the Mojave Desert, the park's 3.3 million acres epitomize the concept of desert preservation.

Death Valley is the American desert, a landscape so stark and forbidding, so dramatic and stunning, as to demand new tools for understanding. Here is nature foreboding, the expanse of desert seems to say, a world in which humans can endure only with caution and careful planning, with respect for the physical world and appreciation of its limits and resilience. As the great environmental thinker John Muir once observed, nature was not created for human dominion, and the Mojave's combination of expanse, grizzled landscape, upthrust mountains, and desert sands confirms that sentiment with remarkable clarity. Of all the places in the American West, Death Valley may be the most intimidating. Certainly its name contributes to its image as the place that modernity and its accouterments have not yet and may never thoroughly tame.²

In this, Death Valley enjoys peculiar status. The desert long has been a mystifying landscape for the peoples of the Old World, the Europeans, Africans, and Asians who came to demographically dominate the humid climates of the new continent. These people came in great numbers, some by choice, others coerced, and they brought a shared

² John Muir, *A Thousand-Mile Walk to the Gulf* (San Francisco: Sierra Club Books, 1991), 41-66; Michael P. Cohen, *The Pathless Way: John Muir and American Wilderness* (Madison: University of Wisconsin Press, 1984), 1-37.

fear of the desert. While it could be endured and even tolerated, for there were many ways to live in it, the desert was rarely comfortable. It demanded adaptability and humility, traits often short among the human species.

The newcomers to the Americas feared its deserts. In part, this stemmed from their faiths. For Judeo-Christians, the biblical connotation of the desert as wilderness, derived from the story of Moses and the Israelites and their forty-year sojourn, remained a dominant form of expression throughout the first three centuries of Old World inhabitation of the New World. The African-Americans that Europeans brought to the continent as chattel imbibed this view, for it was not far from their own thoughts about nature, derived from their genesis, mostly in West Africa.³

These Euro-Afro-Asian-Americans, a biologically composite people who shared a complex of disease immunities, foodstuffs, skills, and goods through trade, likely reviled the desert on first encounter. Deserts were and are hot, dry, sandy, frightening and unyielding. Unlike the fertile river deltas in the eastern half of the United States, the wet lush environments of the mid-South, or even the prairies bracketing the Mississippi River, the desert had little to offer either colonists or the United States before the twentieth century. Thomas Jefferson's vision of the yeoman farmer as the nation's backbone held sway while the United States remained primarily an agricultural society. Long after that attitude crumbled, this vision of what made nature useful dominated the national psyche. In this view, deserts were formidable obstacles that stood between migrants and their destinations. Travelers from any European-based society passed

³ Jared Diamond, *Guns, Germs, and Steel: The Fates of Human Societies* (New York: W. W. Norton, 1997), 13-35; Alfred W. Crosby, *Ecological Imperialism: The Biological Expansion of Europe, 900-1900 AD* (New York: Cambridge University Press, 1986), 1-32; James L. Newman, *The Peopling of Africa: A Geographic Interpretation* (New Haven: Yale University Press, 1997), 15-24; Joseph E. Inkori and Stanley L. Engerman, *The Atlantic Slave Trade: Effects on Economies, Societies, and Peoples in Africa, the Americas, and Europe* (Durham: Duke University Press, 1994), 3, 7.

through the desert, commenting on its lack of trees, weird rock shapes, unusual plants, and always the heat. Typically, only the unusual and the reclusive, the strange and the anomic settled along the occasional stream or waterholes that dotted the arid West.⁴

Yet the desert was also entrancing, a refuge from the outside world, and it attracted many who sought its solitude. Native peoples long had made their home in it, learning to fashion livelihood from its special and sometimes scant resources. Desert cultures maximized available resources. They found ways to use the sun and thirst-producing aridity to create homes, carving life from springs and seasonal seeps. These people used elevation to contravene the limits of nature and made accommodations with a physical world generously described as harsh. Later, miners came in search of riches buried in the earth; they exploded across the landscape in great rushes of energy, building cities overnight that often disappeared just as quickly. They paved the way for the fringes of their society: people unafraid of the loneliness, solitude, and physical hardship of the remote desert or even those who preferred to live apart from the norms of their day.

They all found the desert and made it their own, for it offered solace and shelter, a minimalist existence for those who chose it. In the process, they created an image of the desert as full of the eccentric and bordering on the bizarre. Deserts became the hiding place for the desperate, where those who stepped away from U.S. society could feel comfortable. Many took this option, from miners and outlaws in the nineteenth century to the killer Charles Manson in the twentieth. For all it lacked, the desert could provide shelter.⁵

⁴ Roderick Nash, *Wilderness and the American Mind* (New Haven: Yale University Press, 1967), 1-16; Patricia Nelson Limerick, *Desert Passages: Encounters with the American Desert* (Albuquerque: University of New Mexico Press, 1985), 165-77.

⁵ Robert G. Elston, "Prehistory of the Western Area," 135-48, in Warren L. D'Azevedo, *Handbook of North American Indians: Great Basin Volume 11* (Washington, D.C.: Smithsonian Institution, 1986); David H. Thomas,

The people who preceded these Old World invaders well knew the ways the desert could shelter and provide. The Southwest deserts remain home to people who preceded the arrival of Old World peoples by centuries and even millennia. Some settled in permanent communities: the Pueblos of the Rio Grande and Tohono O'odham of Arizona. Others, such as the Shoshonean people of Death Valley, moved seasonally from place to place. The climate and the cycle of plant maturation and animal movement allowed a pattern that kept them fed and clothed. They found sustenance in the limited opportunities; when it did not sustain, they developed social mechanisms to protect their survival as a group.⁶

The Death Valley Shoshone typified this relationship to place. Part of the Western Shoshone, the people who took the name "Timbisha" lived in an area that stretched from Death Valley to the edge of the Sierra Nevada. Well established in the desert before the first wagon trains arrived, the Timbisha faced the onslaught of a new culture. These newcomers curtailed options over time. Despite being well adapted to their harsh environment, the Timbisha could not overcome the ways in which U.S. society restricted their activities.⁷ A drama that was characteristic of national expansion played out in the desert as well as in the fertile parts of the country.

Lorann S.A. Pendleton and Stephen C. Cappanati, "Western Shoshone," 262-83, in D'Azevedo, *Handbook of North American Indians: Great Basin Volume 11*; Maurice Zigmond, "Kawaiisu," 398-411, in D'Azevedo, *Handbook of North American Indians: Great Basin Volume 11*; Sven Liljeblad and Catherine S. Fowler, "Owens Valley Paiute," 412-434, in D'Azevedo, *Handbook of North American Indians: Great Basin Volume 11*; Lawrence Hogue, *All the Wild and Lonely Places: Journeys in a Desert Landscape* (Washington, D.C.: Island Press, 2000), 3-9; Vincent Bugliosi with Curt Gentry, *Helter Skelter: The True Story of the Manson Murders* (New York: W. W. Norton, 1974), 75-81.

⁶ Edward H. Spicer, *Cycles of Conquest: The Impact of Spain, Mexico, and the United States on the Indians of the Southwest, 1533-1960* (Tucson: University of Arizona Press, 1962), 1-262. Although Spicer pays scant attention to Death Valley and the Mojave, the model he presents contributes to an understanding of the circumstances and predicament of native peoples in the Mojave.

⁷ Steven J. Crum, *The Road On Which We Came: Po'i Pentun Tammen Kimmappah: A History of the Western Shoshone* (Salt Lake City: University of Utah Press, 1994), 66-70; "Technical Reports Regarding the Death Valley Timbi-Sha Shoshone Band of Death Valley, California," L30 Land Use – Indian Village, 1981-82, P.R.G. 8-8, Death Valley archives.

As the flood of U.S. citizens came first through and then to the desert, native peoples faced assaults on their choice locations, their ways of living, and in the end, on their very being. U.S. expansion, embodied in the concept of Manifest Destiny, drove westward movement. As the nineteenth-century United States attempted to subdue the North American continent, geographic obstacles often interrupted that pursuit. Large sections of the continent were deemed too inhospitable to provide the independence and wealth this settler society believed land ownership brought. The desert routinely stymied the plans of the grandiose, the megalomaniac, and even the ordinary. As people who relied on wood as their primary source of fuel and shelter, Euro-American travelers looked at the sparse vegetation and the dry landscape, felt the often-searing heat, and looking through the eyes of agricultural America, calculated that the desert would not provide the promised land they sought. Most simply passed through, continuing on to places that their outlooks told them offered futures that fit their expectations.⁸

Such travelers sometimes left accounts of these regions they so poorly understood. Deserts were wastelands, they wrote, eerie and frightening, and hard to reconcile with nineteenth-century notions of beauty or usefulness. The eyes that taught them value in land showed them little they could use in the desert. They could not look around and see a future and so were left only with questions. What could people do with such lands? What value had they in an agricultural society? Most who visited those arid regions expressed fear and disdain. One of the first recorded Anglo-American travelers bestowed the name “Death Valley,” this badge of despair on the region; limited water and

⁸ John Perlin, *A Forest Journey: The Role of Wood in the Development of Civilization* (New York: W. W. Norton, 1989), 1-25; Frederick Merk, *History of the Westward Movement* (New York: Alfred A. Knopf, 1978), 229-52; David M. Wrobel, *Promised Lands: Promotion, Memory, and the Creation of the American West* (Lawrence: University Press of Kansas, 2002), 1-18.

vegetation compelled his party to suffer hardships and mortality. The name he offered stood as a warning, even a deterrent to subsequent travelers.⁹ Traveling by wagon, neither American miners nor farmers could see value in the desert.

During the nineteenth century, the nation's principal orientation changed from agriculture to industry. Below its stark surface, Death Valley held economic promise for this new order. The rise of industrialization and mass marketing gave the desert a use, but only as a purveyor of raw materials: the minerals that promised wealth and those underpinning industrial processes that yielded even greater riches. Deserts turned out to be storehouses of such minerals – gold, silver, copper, zinc – and they held even more: oil, magnesium, bauxite, and in Death Valley, borax. As long as industry flourished and the mineral veins continued, the desert offered the possibility of a livelihood. Towns appeared and disappeared, seemingly overnight. Some, such as Rhyolite, Nevada, grew from nothing to 10,000 people within the space of twenty-four months and then receded to oblivion in just a few more years. Others persisted, shells of their heyday, for many years. Some continue today.

The miners who flocked to the deserts were instrumental in shaping the ways in which nineteenth-century Americans and their twentieth-century descendants defined the desert. They felt strong attraction and simultaneous revulsion toward the desert; a combination of the promise of wealth in the minerals buried beneath and the frightening struggle to survive in the desert that harbored them. In the 1880s, miner Thomas W. Brooks recognized the “horror to all who traveled that part of the territory,” but simultaneously observed that even such a dismal land promised “to be one of the

⁹ Richard E. Lingenfelter, *Death Valley and the Amargosa: Land of Illusion* (Berkeley: University of California Press, 1986), 50-51.

principal sources of wealth of the country.” He saw in the surface and its outcroppings “all of the leading valuable metals of our country.” Brooks noted that Death Valley would be “a blessing of wealth and happiness to many; and to the healthseeker, and the lover of sublime beauty and grandeur, the work of nature’s God, they, too, could go and bathe the body and feast the eye.”¹⁰ Such ambivalence long remained a powerful theme shaping perceptions of Death Valley.

The growth Brooks anticipated never equaled his expectations. Death Valley became a thriving mining region, but a permanent population that might have transformed the entire area never remained there for long. Among Euro-Americans, the “stickers,” as the writer Wallace Stegner referred to westerners who stayed put, never took hold in Death Valley.¹¹ The options were too few, required too much capital, and were too far from the distant communities across the Sierra Nevada to the West to depend on them for sustenance. If United States citizens sought to root themselves in the soil, the desert of Death Valley did not provide what they needed to persuade them to stay.

Deserts also hid the detritus of U.S. society. Their typical condition as isolated federal lands led to the siting of an array of federal installations throughout the Mojave Desert that often served as a testing ground for U.S. military technology. Beginning in earnest in World War II, as the nation developed its capability to fight, and continuing throughout the Cold War, the California and Nevada deserts became training grounds, experimental laboratories, and the zones in which the nation tested its most dangerous weapons. Within 100 miles of Death Valley, 126 atmospheric nuclear tests took place

¹⁰ Thomas W. Brooks, *By Buckboard to Beatty: The California-Nevada Desert in 1886*, Anthony L. Lehman, editor (Los Angeles: Dawson’s Book Shop, 1970), 24.

¹¹ Wallace E. Stegner, *The Big Rock Candy Mountain* (New York: Hill and Wang, 1943), 13-22; Wallace E. Stegner, *Where the Bluebird Sings to the Lemonade Springs* (New York: Random House, 1987), 34-44.

between 1951 and the cessation of such activity in 1963; underground testing continued until 1992. In the 1980s, Congress selected Yucca Mountain, east of the national park boundary, as the site for the nation's high-level nuclear waste storage facility. In 2002, President George W. Bush signed into law authorization for the site, making Death Valley National Park the closest national park area to the nation's most toxic waste facility.¹²

The social impact of the military and its subsidiary affiliations in the desert was vast. Defense spending provided much of the region's post-1945 economic energy. Atmospheric nuclear testing was a fiscal engine that at its peak provided more than 9,000 jobs in the region; towns such as Mercury, Nevada, and installations including China Lake Naval Air Weapons Station and Fort Irwin Military Reservation in California attested to the importance of the military in the regional economy and population. This federal dominance was typical of places that remained outside the primary patterns of western settlement and lacked the attributes that an agricultural society valued.

As the military presence expanded, a remarkable cultural shift began that altered the face of Death Valley and the rest of the Mojave Desert. During the twentieth century, Americans slowly changed their attitudes about the desert. Part of this transformation stemmed from the solitude that could be found in the desert's vast emptiness even as U.S. life became more physically dense; equally, the incredible population growth in the proximity of the Mojave during and after World War II and the tremendous expansion of Los Angeles played a catalytic role in giving people a different vision. Before 1945, the Grand Canyon was the only culturally significant desert landscape in the United States. It

¹² A. Constandina Titus, *Bombs in the Backyard: Atomic Testing and American Politics* (Reno: University of Nevada Press, 1986), 1-35.

served as the national icon of the desert, not for its desert characteristics, but for the vast chasm cut into it by the Colorado River.

Technology had helped make the desert more palatable and more useful to U.S. society, as the shift in culture that promoted recreation and leisure to the level of a natural right added to the impetus to explore the natural formations throughout the eastern Mojave. Early in the century, automobiles made the region accessible in new ways; air-conditioned descendants after mid-century took much of the difficulty out of reaching the desert. Jeeps, dune buggies, and all-terrain vehicles attracted an even wider cut of the public. The vehicles took people off the main roads in relative comfort, simultaneously creating a new meaning for the term “exploration.” In the later 1990s, widespread use of cellular telephones and the emergence of global positioning technology helped take more of the risk out of the desert experience, and make it not only more comfortable, but considerably less dangerous for a wider portion of the public.¹³

The result was an explosion in not only recreational use, but also a transformation of the desert’s very character. Between 1945 and 1980, the population in the Mojave Desert more than quadrupled, and after 1980, the growth continued at an even greater pace. Subdivisions spread out toward the formerly remote places such as Death Valley, both from greater Los Angeles to the west and from Las Vegas to the east. Once-sparsely populated towns such as Pahrump, Nevada, grew at astonishing rates, making greater demands on the desert’s limited resources. Water in particular became the initial issue; air quality concerns followed with the haste that accompanied growth. As the desert became more attractive, the problem of providing resources to the ever-expanding population grew more severe.

¹³ Darlington, *The Mojave*, 1-4.

At Death Valley, the National Park Service played an integral role in addressing the desert's transformation. Since 1933, when Death Valley joined the park system as a national monument, the agency struggled to meet its many and varied responsibilities in the desert. Congress established Death Valley late in the history of large national park areas in the continental United States. By 1933, few areas of national park quality remained in the public domain outside of the Alaska Territory; claims crisscrossed those that did. Death Valley was no exception. Checkerboards of railroad grants – legacy of nineteenth-century government policies that subsidized growth with land – dotted many areas. Mining claims under the General Mining Act of 1872 were even more common, especially in the Mojave. School lands ceded to states also stood in the way of federal land administration.

In the 1920s, the combination of distaste for the desert, the presence of validated mining claims across the area, and the need for fast congressional passage of a national park bill assured that Death Valley received only peripheral consideration for national park status. Instead, the presidential power held in the Antiquities Act of 1906 created the area by executive proclamation and assigned it to the far more malleable national monument category. Only sixty years later, after the transformation not only of the desert, but also of law, policy, and attitudes, did Death Valley finally attain national park status. With designation as “sacred space,” inclusion in the pantheon of the special places the United States so revered that its government included them in the national park system, Death Valley's meaning to U.S. society was recast. National park status affirmed that evolutionary process, completing the transformation of Death Valley from remote and frightening desert to venerated and appreciated national park. That story, and the National

Park Service's management of Death Valley, reveals one of the clearest transformations of the relationship between Americans and nature in the twentieth century.

Chapter 1:

Before the Monument

The land that in 1933 became Death Valley National Monument had a long human history that preceded the arrival of the first Europeans in the New World. In that lengthy story, the regional environment's fundamental characteristics determined the fate not only of pre-Columbian peoples but also of each of the cultures that succeeded them. At its core, Death Valley stretched humanity, for no human culture easily adapted to its harsh climate, lack of water, and often sparse food sources. The populations that best adapted, those closest to the land, had nothing to rely on save the place. Adaptability was crucial to their survival. Later cultures saw in Death Valley sources of raw material that developers could barter in an industrial society. Their connection to the land and concern for it was not as deep, for it did not have to be.

This second, later vision, of a place that could provide natural resources in exchange for the goods of an industrial mainstream, indirectly led to the creation of Death Valley National Monument. The creation of single-purpose mining towns that exploded and then receded created a new context for the desert's development. As more Anglo-Americans saw the region, and as its advantages seemed to be exhausted in the rise and fall of the prices of raw materials, Death Valley acquired a new significance, as part of the pantheon of the nation's special places. Induction into the national monument category served as the culmination of a nearly century-long trend that had begun before the 49ers raced to California's Gold Rush. Death Valley had become more than its natural resources. It gradually became a component of the United States' self-image as "Nature's Nation."

Executive Summary

Among national parks areas in the United States, Death Valley National Park is unique. From its establishment as a national monument in 1933, it has been at variance with the main currents of the National Park Service. As a result, Death Valley never received the resources it merited. Two principles define its history: it has always suffered from a lack of staff and financial resources and only in the 1990s has its desert features attained the respect historically accorded national parks.

Created in a moment of particular interest in deserts and spurred by the personal interest of National Park Service directors Horace M. Albright and Stephen T. Mather, its differences defined Death Valley from other parks. Perceived as containing the wrong kind of scenery for national park status in the 1930s, it also had the enormous disadvantage of being full of inholdings that made the National Park Service wince. Mining claims abounded. Not only did these claims hold strong social meaning in the desert, the legislation creating the monument permitted additional claims to be filed. This difference hamstrung the monument, for it did not seem to reach the level of protection of other areas in the system.

While most national park areas faced inholdings, Death Valley's mining inholdings had two distinct traits: they were routinely worked landscapes and they could grow in size no matter what the National Park Service did or planned. In a way that was uncommon at the time, the National Park Service found itself on the defensive as it tried to manage its new area.

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Shoshone, also called “Timbisha.” These people lived in the area and at Furnace Creek in particular well before there were written records, yet were given no formal status at the establishment of the monument. For almost seven decades, they struggled to attain land as the National Park Service tried to understand and then accommodate them. A seven-decade process, fraught with acrimony and mistrust, culminated in the establishment of a Timbisha homeland in 2000.

For much of its history, Death Valley faced a lack of agency interest. In the 1930s, the enormous Civilian Conservation Corps programs provided resources but managed to ignore the larger needs that development created. The pattern of agency neglect predominated for the better part of the next half-century. Although the park added a museum and visitor center and housing because of Mission 66, the capital development program provided one of the few moments during which the monument received resources adequate to its needs. Despite the efforts of generations of staff, Death Valley mostly languished, a victim of its national monument status and the peculiar disregard Americans felt for desert landscapes.

As a result, Death Valley National Monument was largely unprepared for the onslaught of post-World War II expansion into the desert. The National Park Service lacked the personnel and the resources to administer the vast expanse, and even with programs such as Mission 66, the agency played a dangerous game of catch-up. As people of all kinds came to the desert in greater numbers, the park required flexibility to manage the many facets of its obligation.

In the 1970s, Death Valley was the scene of two of the most important decisions that affected national park lands. The 1976 Mining in the Parks Act resulted from a legal

open pit mine within the monument. The new law gave the National Park Service much greater control over mining within its boundaries, and ultimately led Death Valley to fold the position of mining engineer, an anomaly in the National Park Service, into the creation of the Resources Management Division in 1984. The Cappaert case, a 1976 U.S. Supreme Court decision, upheld the principle that federal land proclamations inherently contained sufficient water rights to administer the area for the purpose it was established. This allowed the National Park Service to maintain rare species of pupfish in the Devil's Hole section of the park and set a precedent that helped federal agencies in numerous other instances.

In 1983, the most influential superintendent in a generation arrived at DEVA. Edwin Rothfuss became the era's dominant figure, effectively melding the values of an agency "greenblood" with the new requirements that followed the statutory revolution. Given leave to solve the burro crisis that had plagued management since the 1930s, Rothfuss became the figure that defined the monument. Compared to most Death Valley superintendents, who spent about three years in office, Rothfuss spent almost thirteen years at Death Valley, not only addressing crucial issues that included exotic plant species and native fauna such as the desert bighorn sheep but playing an instrumental role in the California Desert Protection Act and the process of transforming Death Valley to national park status.

In the years since, Death Valley's fundamental problems have remained: the change in status to national park added more than one million new acres without a parallel increase in resources to match the management requirements of the new lands. The change in status was and is a hopeful sign; it suggested greater respect for and

appreciation of the resources of the desert, but it illustrated the park's time-honored problem. Death Valley National Park remains among the most poorly funded parks per acre, a condition that maintains management as an eternal rear-guard action. Combined with the difficulty of meeting federal mandates and building and maintaining constituency in the vast expanse of the park and its surroundings, Death Valley faces a difficult future. Its dedicated and determined staff help make up for the shortfall in resources, but the future health of park resources hinge on whether the park's budget allocation is equal to the task of management.

More than 10,000 years of human history predicated that transformation. People began to inhabit Death Valley and the Mojave Desert about 7000 B.C. Before this era, the evidence of human occupation in Death Valley is scant. Scientists cannot date with certainty nor clearly ascribe to human endeavors artifacts from the late Pleistocene Period, before 10000 B.C. Possible archeological objects from the succeeding Lake Mojave Period, 10000 B.C. to 5000 B.C., have been found near the shores of now-dry pluvial lakes around the Slate Range, southwest of the park, and provide the most compelling evidence of early human habitation. Scientists suggest that this choice of locations indicates an adaptive strategy focused on lakeside resources. Others question that reasoning, suggesting that archeologists have tended to search for early sites primarily along the shores of pluvial lakes, finding there exactly what they expected. In this view, artifacts and the few faunal remains associated with the Lake Mojave Period suggest a more generalized hunting and gathering adaptation, providing a direct challenge to explanations that focus on lake resources. Around 7000 B.C., hunters and gatherers who resembled the people archaeologists designate “Archaic” moved through the region, fashioning their existence from its intermittent offerings. Typically without domestic animals, intensive horticulture, or permanent dwellings, these people knew their environment well and took advantage of all that it offered.¹

During the Lake Mojave Period, the Death Valley region contained widespread xeric juniper parkland, more abundant large fauna, including some now-extinct creatures, and more

¹ Jesse D. Jennings, “Prehistory: Introduction,” in Warren D’Azevedo, ed., *The Handbook of North American Indians: Great Basin Volume 11* (Washington, D.C.: Smithsonian Institution Press, 1986), 113, 115; C. Michael Barton, *Archeological Survey in Northeastern Death Valley National Monument*, Western Archeological and Conservation Center Publications in Anthropology No. 23 (Tucson, Ariz.: Western Archeological and Conservation Center, National Park Service, 1983), 15-16; Elizabeth von Till Warren, et al. *A Cultural Resources Overview of the Colorado Desert Planning* (Riverside, Calif.: California Desert District, Bureau of Land Management, 1981), 19-20; Claude N. Warren and Robert H. Crabtree, “Prehistory of the Southwestern Area,” in D’Azevedo, *The Handbook of North American Indians: Great Basin Volume 11*, 183-84.

plant life than is now present. This relative abundance of resources allowed well-documented human occupation throughout the Great Basin, that rain-starved region comprising Nevada, western Utah, southeastern Oregon, and California east of the Sierra, as well as part of northern Mexico. Two distinct dry environments comprise the Great Basin: the Great Basin Desert in the north, a cold, high-elevation desert dominated by sagebrush; and the Mojave Desert to the south, a low-elevation area typically home to cactus and creosote bush. Across this more southerly area, a variety of cultural complexes, including Clovis, Lake Mojave, Cougar Mountain, Lind Coulee, and Silver Lake, established communities. In Death Valley, artifacts such as spear and dart points, crescents, gravers, distinct scrapers, drills, leaf-shaped knives, and a few heavy core tools suggest consistent occupation during an extended period.²

During the subsequent Pinto Period, 5000 B.C. to 2000 B.C., Great Basin inhabitants first encountered environmental conditions that resembled the contemporary era. The changes began as the Pleistocene lakes in the Mojave dried up. Some scientists argue that the desert was too dry for extended human habitation from the beginning of this era for as long as 2,000 years. There is no firm confirmation of Pinto sites in Death Valley prior to 3000 B.C., but the later Pinto Basin Complex offers the clearest articulation of the era's characteristics. Other Pinto sites include Salt Springs, the Stahl site, surface remains at Tule Springs, the Awl site, and possibly the Corn Creek Dunes site. Projectile points provide most of the material culture from the Pinto Period. Researchers disagree about the traits of Pinto Period artifacts, especially the spear and dart points that might help articulate period boundaries, but a consensus of thought posits habitation of the Pinto Basin complex until about 700 B.C. These items appear similar to the Lake Mojave period,

² Barton, *Archeological Survey*, 16-17; Warren, et al., *Cultural Resource Overview*, 33.

but the occurrence of milling stones serves to differentiate them. The similarities suggest a generalized hunting and gathering strategy during the era, with people inhabiting the desert during wetter periods and retreating to its fringes or oases in drier times.³

Although the Gypsum Period, 2000 B.C. to 500 A.D., remains largely devoid of material culture remains, evidence of culture and lifeways suggests intensive desert occupation and a broadening trade with coastal California and Southwest communities. Such exchanges later became more frequent. Hunters introduced the bow and arrow late in the era, allowing them greater food success, and a rich ritual life developed. Large spear and dart points overlap with Pinto points in both time and morphology, suggesting a continuation of earlier hunting practices. Knives, scrapers, drills, and other small stone tools characterize period artifacts. In addition, archaeologists have found stone and shell beads, slate tablets, incised and painted pebbles, and split twig figurines at Gypsum period sites. They also have discovered milling stones, including mortars and pestles, at these sites. In the eastern Mojave, the influence of Pueblo culture of the Colorado Plateau region as the Gypsum period ended became evident. Figurines, pit houses, and Basketmaker III ceramics typify this influence, and the introduction of agriculture may have resulted from contact and trade. The inhabitants of the western Mojave seem to have experienced few of these developments, continuing their patterns of hunting and gathering. Researchers have found sites from this era near Death Valley at lower elevations – near current water sources and ones that now are either dry or too salty for human use – and in the mountains.⁴

During the Shoshonean Period, beginning about 1200 A.D. and continuing until

³ Barton, *Archeological Survey*, 17-18; Warren, et al., *Cultural Resource Overview*, 35-44; Warren and Crabtree, "Prehistory of the Southwestern Area," 184-87.

⁴ Barton, *Archeological Survey*, 20-21; Warren, et al., *Cultural Resource Overview*, 49-52; Warren and Crabtree, "Prehistory of the Southwestern Area," 189-91.

European arrival, ancestors of the Numic-speaking Paiute and Shoshone first inhabited the southwestern Great Basin. When contact with the Spanish occurred, both the Panamint Shoshone and Nevada Shoshone regarded the Death Valley area as their territory, even as it served as the border between the two groups. The appearance of small Cottonwood Triangular and Desert Side-notched arrow points and locally made plainware ceramics marks the Shoshonean period. Scientists categorize such plainwares as Paiute and Shoshone utility wares. They include several varieties of knives, drills, gravers, scrapers, manos, metates, pestles, mortars, Olivella shell beads, bone beads, pendants, occasional pointed tools, incised stones, and baked and unbaked clay figurines. Large villages in valleys or along valley boundaries and smaller hunting and gathering camps near specific resources, both at lower elevations and in the mountains, characterize human habitation during this time.⁵ These groups remained in the region and greeted the first Europeans and Americans who arrived after 1800 A. D.

By the nineteenth century, the native world of the Mojave faced the ever-growing European presence in the New World. Spain and Mexico had seen little of value in the Mojave Desert, Spanish soldiers and settlers at best passing through it when necessary, but the United States found purpose in its exploration of arid eastern California. In the 1820s, the first Anglo-Americans arrived. When trappers and mountain men such as Jedediah Smith and Peter Skene Ogden explored the Great Basin, Death Valley and its environs offered little to these fur-trapping commercial entrepreneurs. Only with the 1838 formation of the U.S. Army Corps of Topographical Engineers and its subsequent search for railroad routes to California did the

⁵ Gary B. Coombs, *The Archaeology of the Northeast Mojave Desert*, with contributions by Robert Crabtree and Elizabeth Warren (Washington, D.C.: United States Bureau of Land Management, 1979), 22; Barton, *Archeological Survey*, 21-23; William James Wallace and Edith Wallace, *Ancient Peoples and Cultures of Death Valley National Monument* (Ramona, Calif.: Acoma Books, 1978), 129-34.

expansionist nation look seriously at the region.⁶

The quest for a transcontinental nation gave meaning even to stark deserts, and government-sponsored expeditions and gold-seekers dominated exploration throughout the 1840s. In early 1844, during his second exploration of the far West, Captain John C. Frémont and thirty-nine explorers skirted Death Valley's perimeter. After nearly a year on the trail, Frémont was eager to reach the southern part of the Old Spanish Trail and begin his return to St. Louis. Traveling south, Frémont and his men turned east at Los Angeles. On April 27, he and his party camped at Frémont Springs, known as Salt Spring on contemporary maps. Frémont made mention of the region's paradox in his journal entries. "Throughout this nakedness of sand and gravel, were many beautiful plants and flowering shrubs, which occurred in many new species, and with greater variety than we had been accustomed to see in the most luxuriant prairie countries; this was a peculiarity of this desert."⁷ It was fitting assessment by one of the more inventive minds of the first half of the nineteenth century.

The clamor to reach California during the 1849 gold rush brought the next wave of Americans into Death Valley. Most of the parties entering the valley between 1849 and 1851 sought a shortcut to the gold fields. During the winter of 1849-1850, at least five groups came to the area. None had declared this southern approach their first choice; all took the difficult Spanish Trail because they started late in the migration season or experienced delays along the way, making their departure from Salt Lake City too close to winter to be assured of clearing the mountain passes before snowfall. While the lure of gold remained strong, the memory of the

⁶ Richard E. Lingensfelter, *Death Valley and the Amargosa: A Land of Illusion* (Berkeley: University of California Press, 1986), 29-30; David Roberts, *A Newer World: Kit Carson, John C. Frémont, and the Claiming of the West* (New York: Simon and Schuster, 2000), 127-139.

⁷ John Charles Frémont, *Report of the Exploring Expedition to the Rocky Mountains in the Year 1842, and to Oregon*

Donner Party disaster that left more than 40 dead a few years before lingered, and none wanted to wait for spring.

One of these gold-hungry groups gave Death Valley its name. During December 1849, a group of Kansans, Georgians, and others left their Utah camps for the final trek to California. Near the Las Vegas springs, two groups decided to travel directly west, following a shortcut they thought led them directly to the California fields. One group, led by Captain Edward Doty and consisting of about three dozen men from Knoxville and Galesburg, Illinois, called themselves the Jayhawkers. Another group, the Bugsmashers, included more than a dozen men who hailed mostly from Georgia and Mississippi. Three families, those of Asabel Bennett, J.B. Arcan, and Harry Wade, trailed behind with a few stragglers, most prominently William Lewis Manly. All the travelers entered Death Valley between Dec. 22 and Dec. 27, 1849, likely at the same place, Furnace Creek, and all faced the same obstacle, the Panamint Mountains. The Bennett group went south to Bennett's Well while the Jayhawkers turned north and followed Emigrant Wash to the southwest. Eventually, the dry, vast, and seemingly empty area ensnared both parties.⁸

Hemmed in by snow packs that covered the western Panamint Mountains, the groups met again and searched for a trail leading west. Unable to find an exit from the valley floor, they separated into smaller parties. A number stayed near Tule Spring while others, including Manly and John Rodgers, searched for an escape route. After five weeks, the two men returned, reporting an exit in the south. Manly's account, penned some fifty years later, recounts that three members of the party died of dehydration before he returned. Other accounts claim that only William B. Robinson expired during a separate search for a western route. Despite the

and North California in the Years 1843- '44 (Washington, D.C.: Gales and Seaton, 1845), 261-265.

differences, no account disputes the severity of their situation. Had Manly and Rodgers not returned with a way out, the party faced dire circumstances and even death. The groups reassembled and left the valley floor just north of Searles Lake at Providence Spring. Upon leaving their base camp, someone in the party reportedly commented “Good-bye Death Valley,” giving the region its foreboding name.⁹

The party left considerable physical evidence behind. The remains of a large camp stood at Furnace Creek Spring. At Jayhawker Spring to the east, either Robinson or Rood scratched the initials “W.B.R.” and the year “1849” in the lava rock. Rood inscribed his full name on a boulder near the trail between Cottonwood Canyon and Emigrant Canyon. The ill-fated 1849 party left traces at Six Springs and Bennett's Well as well. Reaching the California settlements a few weeks later, members of the party reportedly announced that large silver ore deposits lay in the mountains surrounding Death Valley, spurring more Anglo-American activity in the Mojave. These rumors inspired prospectors to chance the difficult eastern Mojave, and added to the knowledge that Americans possessed of the desert, setting the stage for further exploration.¹⁰

During the 1850s, the obsession with reconnaissance of the nation's newest acquisitions, lands acquired after the Mexican War, reached Death Valley. The U. S. Army Corps of Topographical Engineers took the lead in surveying the West, performing cadastral surveys to measure, mark, and delineate land, and collecting information about plants, animals, native

⁸ Lingenfelter, *Death Valley and the Amargosa*, 40-42; Benjamin Levy's map of the probable routes for these parties indicates that the Jayhawkers and the Manly-Bennett party entered Death Valley near Furnace Creek.

⁹ William Lewis Manly, *Death Valley in '49* (Chicago: R.R. Donnelley and Sons, 1927), 210-17; Lingenfelter, *Death Valley and the Amargosa*, 46-51; William H. Goetzmann, *Exploration and Empire: The Scientist and the Explorer in the Winning of the American West* (New York: Alfred A. Knopf, 1966), 177, 471-74.

¹⁰ *Draft Environmental Impact Statement and General Management Plan: Death Valley National Park* (Washington, D.C.: National Park Service, 1998), 135; Charles B. Hunt, *Death Valley: Geology, Ecology, Archaeology* (Berkeley: University of California Press, 1975), 174-181; Benjamin Levy, *Death Valley National Monument Historical Background Study* (National Park Service, 1969), 35-39.

peoples, geology, and anything else its teams encountered. The topographical engineers preceded railroad surveying parties' intent on finding a route for the transcontinental railroad. Talented scientists supported the surveying expeditions that spread across the West.

Crossing California's mountains and desert proved the greatest obstacle, and the government and private companies alike sought safe avenues of passage. In 1853, the Pacific and Atlantic Railroad Committee retained Lieutenant Tredwell Moore to find a railroad route through eastern California and the Sierra Nevada. Although Moore did not find such a route, his expedition did map the upper reaches of Death Valley. George H. Goddard, a British artist, cartographer, and amateur naturalist who served as Moore's assistant, collected more than 600 geological and biological samples during their stay. Three years later, the General Land Office sent a cadastral survey team, led by William Denton, to subdivide the region into quarter sections for future homesteaders. At nearly the same time, Alexey W. von Schmidt led another survey team into Panamint Valley, west of the Denton team. In 1857, a self-styled colonel from Virginia, Henry Washington, extended the cadastral survey into the center of Death Valley. All the surveys extended the definition of "suitable for homesteading" to marginal lands, but none so egregiously as Washington. Washington marked nearly one million acres from the sink of Death Valley to the crest of the Amargosa as potential ranch and farm land, submitting a bill for more than \$40,000 for his work. This sum, greater than the surveyor general's annual budget, was paid before anyone challenged the veracity of Washington's claims. Despite the ludicrous expense, these surveys, published as part of the U.S. Surveyor General's 1857 map of California, provided the first detailed topography of Death Valley. By the end of the 1850s, U.S. society had learned a

considerable amount about the eastern Mojave.¹¹

As more and more people determined that the region merited further attention, the mapping of its features continued. The creation of the Nevada Territory in 1861 necessitated a clear boundary line between this new entity and California. As long as Nevada remained part of the distant Utah Territory, a defined boundary meant little; territorial status anticipated statehood, and the federal government had to address the question of boundaries. That year, Lieutenant Joseph Christmas Ives commanded the United States and California Boundary Commission that attempted to draw an accurate map of the California-Nevada border between Death Valley and Lake Tahoe. Washington's earlier map had already been found wanting. The Ives party used camels as pack animals because of the arid conditions. Starting near the Colorado River, Ives and his team completed only about one-third of the project before cost overruns disrupted their efforts. Their surveying was not the only shortcoming of the aborted venture; they were disappointed that they fell short of Lake Tahoe and found little land that could sustain them.

After the Civil War, the U.S. military reestablished its mapping program in the West, beginning the era of the Great Surveys. Lieutenant George M. Wheeler, Clarence King, the one-armed Major John Wesley Powell, and others began systematic explorations of the West and Southwest. In his late twenties, Wheeler was both ambitious and precocious. In 1869, he asked to begin a large survey project in the Southwest. Army officials assigned him the task of exploring and mapping lands south of the Central Pacific Railroad in California and in eastern Nevada. Assembling one of the era's most impressive expeditions, Wheeler started in northern

¹¹ Lingenfelter, *Death Valley and the Amargosa*, 80-82; *Draft Environmental Impact Statement and General*

Nevada, bringing along Timothy O'Sullivan, the pioneer photographer, reporter Frederick W. Loring, and an array of scientists, topographers, meteorologists, and other specialists. The expedition twice crossed through the heart of Death Valley. Wheeler divided his men into two parties that explored separately but rendezvoused frequently. Characteristic of Wheeler, the plan was grandiose, but in this instance, his timing was atrocious. The expedition spent the summer in the Mojave Desert, an interminably hot and difficult venture for all. Many of the men suffered sunstroke, as Loring, who nearly succumbed himself, reported. Wheeler emphasized Death Valley's harsh and arid character, and his party described the region in terms of its "utter desolation" and lack of both water and vegetation. Rather than open the desert up for settlement, Wheeler's party further reminded the nation of its limits.¹²

Wheeler's expedition simultaneously was a success and a failure. The expedition collected some of the more accurate barometric readings of the below-sea level elevations in Death Valley. Losing two guides during its stay, its members also discovered just how treacherous the area could be. The expedition did not help the image of the federal government in the West. California newspapers vilified Wheeler for his perceived shortcomings as a leader. Nor did the data Wheeler's men collected please government officials or the scientific community. The army realized that more exploration and mapping around Death Valley was necessary. In the end, Wheeler's data contributed little knowledge of the region, but his expedition made clear the need for specialized scientific research.

After the Wheeler expedition, exploration of the West continued at an accelerating pace.

Management Plan: Death Valley National Park (Washington, D.C.: National Park Service, 1998), 135-137; Phillip W. Powell, *Death Valley* (private printing, 1936), 51-60.

¹² Lingenfelter, *Death Valley and the Amargosa*, 91-97; Goetzmann, *Exploration and Empire*, 469-73; George M. Wheeler, *Preliminary Report Upon a Reconnaissance Through Southern and Southeastern Nevada, Made in 1869* (Washington,

The government dispatched a parade of surveyors to investigate the region. Alexey von Schmidt returned to Death Valley in 1872 and finished the boundary line survey from Lake Tahoe to the Colorado River. Captain A.B. McGowan and Lieutenant Rogers Birnie undertook additional military surveys in 1875. By 1877, the detailed mapping of Death Valley reflected solid understanding of the area's topography. Within two decades, naturalists emerged as an important source of knowledge about Death Valley. The Department of Agriculture's 1891 regional biological survey made the first significant contribution to understanding the complexity of Death Valley's natural history. Led by noted nineteenth-century biologist and naturalist C. Hart Merriam, the expedition explored the Death Valley region. Botanist Frederick V. Colville, ichthyologist Charles H. Gilbert, and Merriam all published findings beyond their Department of Agriculture reports. Some ethnographic interviews, conducted with Death Valley Native Americans by Merriam, were in print before the turn of the twentieth century.¹³

U.S. exploration spurred expansion, for it provided the crucial knowledge that prompted settlement and economic development. American explorers since Lewis and Clark had been sent West toward specific ends, assessing economic opportunities, finding new routes through the region, and scouting the viability of agriculture chief among them. In this, explorers were national scouts, carriers of the knowledge the nation craved as it sought to fulfill its conception of Manifest Destiny. Under such conditions, the close relationship between military exploration, scientific assessment, and economic endeavor became a natural interdependence.

Mining opportunities grew directly out of the surveys, which illustrated the possibilities for wealth that existed in the ground. Such opportunities proved the primary attraction for most

D.C.: U.S. Government Printing Office, 1875), 64-70.

Anglo-Americans. Gold seekers in late 1849 had sparked mining interest in southern Death Valley and the eastern Mojave Desert. In the Panamint Mountains, two men found what they suspected was a large deposit of silver, and carried samples out of the region. Legend suggests that one melted the ore to fashion a rifle sight. Other miners repeated this story, and the Lost Gunsight Mine became an oft-told legend, another of the many fabled lost mines that dotted the West. Like many such stories, later travelers could never verify it. The accounts suggest that if the mine existed, it might have been somewhere in the Panamint or Argus ranges.¹⁴

A frenzy to mine Death Valley's wealth began soon after the Forty-Niners. Fueled by rumors of the Lost Gunsight Mine, the discovery of gold at Salt Springs near the Amargosa River, and the opening of the Comstock Lode on the Sierra Mountains' Washoe Front in 1858, mineral exploration in the Death Valley area proceeded with alacrity between 1858 and 1880. It began, as did most mining in the U.S. West, with the grit, determination, and outright good fortune of individual prospectors. E. Darwin French and Samuel G. George led two groups of prospectors through Death Valley in 1860. While prospecting, French and George discovered gold and silver mines in the Coso and Slate ranges and an antimony mine in Wildrose Canyon, as well as several mountain peaks and Coso Hot Springs. The mines at most of these locations received significant publicity, but ultimately proved not very profitable.¹⁵

During the 1860s, the increase in the number of prospectors led to greater tensions between Native Americans and miners as social systems with different cultural and economic values collided. Incoming Euro-American miners imposed their cultural template on the area,

¹³ Levy, *Death Valley National Monument Historical Background Study*, 77-82; Lingenfelter, *Death Valley and the Amargosa*, 96-97; Goetzmann, *Exploration and Empire*, 472-75; *Land Acquisition Plan*, 8.

¹⁴ 1998 *Draft EIS and GMP*; Powell, *Death Valley*, 14-17; Barton, *Archeological Survey*, 24-25.

¹⁵ Levy, *Death Valley National Monument Historical Background Study*, 7-16.

upsetting Native Americans' patterns of life. In response, desert dwellers acted to protect their traditional lands against miners, who often behaved with little respect for native rights. At times during the growing tensions, miners feared real or imagined Native American attacks, and many abandoned claims at Salt Springs, Coso, and in the Slate Range.¹⁶

In a reprise of a pattern common throughout the intermountain West, these conflicts led to federal intervention. Miners sought help from the national government, which provided troops to maintain order while its representatives pressured native peoples to cede their lands. While the Death Valley area did not experience the full-scale onslaught seen in the California Gold Rush or the Comstock Lode, its native peoples felt the heavy hand of Anglo-American society upon them. After the Ruby Valley Treaty of Oct. 1, 1863, the western bands of the Shoshone nation generally cooperated with U.S. authorities, but their compliance helped them little. Especially in the California desert, far from northeastern Nevada, where the federal government and the Shoshone representatives negotiated the treaty, the United States rarely kept the promises it made.¹⁷

Without support for treaty conditions and provisions, prospectors enjoyed de facto control of relations with Native Americans in and around Death Valley. The 1863 treaty had expressly guaranteed their rights to prospect and mine, resulting in an intimidating chaos. A revolution in population happened in a brief time. By 1870, most native peoples had fled the mining areas or been subdued, for the onslaught of miners and the ancillary activities and people

¹⁶ Carling I. Malouf and John M. Findlay, "Euro-American Impact before 1870," in D'Azevedo, *The Handbook of North American Indians: Great Basin Volume 11*, 512-15.

¹⁷ Malouf and Findlay, "Euro-American Impact before 1870," in D'Azevedo, *The Handbook of North American Indians*, 514-20; Steven J. Crum, *The Road on Which We Came: A History of the Western Shoshone* (Salt Lake City: University of Utah Press, 1994), 24-28; Levy, *Death Valley National Monument Historical Background Study*, 101-103, 163-164; United States Treaty with the Western Shoshoni, Oct. 1, 1863, 18 Statutes at Large 689.

that accompanied them made life hard for Native Americans. After their departure, miners worked without fear of attack. Prospectors flocked to the desert in greater numbers. In 1873, three significant mineral finds occurred west of Death Valley – at Panamint; at Darwin, on the west side of the Argus Range; and at Lookout on the Argus’s east side. Venture capital secured before the national economic downturn of 1873 allowed the construction of kilns at Wildrose Spring to supply charcoal for smelting to regional mines, and miners continued development even as the national economy threatened to collapse.¹⁸

Mineral excavation brought new settlements to Death Valley that had little to do with mining, yet evolved in response to the miners’ needs, and fostered economic opportunities for Native Americans. Andrew J. Laswell, a Kentucky native, was Death Valley’s first Anglo-American homesteader. Laswell and his partner, Cal Mowrey, started a hay ranch in 1874 at Bennett’s Well to supply feed for animals working at the mines. Later in that decade, William L. Hunter started the Hunter Mountain Ranch, where he kept animals for a pack train venture at Cerro Gordo. During the 1870s and 1880s, Native Americans, including Hungry Bill, a Panamint Shoshone, and George Hansen, known as Indian George, returned to Death Valley ranches abandoned as a result of tension with miners. Kentuckian William Johnson had started a truck garden on the west side of Death Valley, and planted fruit trees in the canyon later named for him. Hungry Bill and Hansen replanted the gardens, terraced and irrigated several additional acres, and planted more peach trees. Hungry Bill’s brother, Panamint Tom, started a ranch in Warm Spring Canyon, while Indian George began another ranch at the mouth of Hall Canyon.¹⁹

¹⁸ Robert P. Palazzo, “Darwin’s Boom Period, 1874-1878,” and Robert P. Palazzo, “The Relationship Between Darwin, California, and Death Valley,” in James P. Pisarowicz, ed., *Proceedings Third Death Valley Conference on History and Prehistory, January 30-February 2, 1992* (Death Valley, Calif.: Death Valley Natural History Association, 1992), 57-79.

¹⁹ After a bitter mining dispute, assailants ambushed and killed Johnson. Lingenfelter, *Death Valley and the Amargosa*,

The search for mineral wealth continued even as other Americans followed the explorers and prospectors to Death Valley. Adhering to Western mythology, most mining endeavors were individual efforts. Prospectors canvassed the region in search of minerals, staking claims and bringing in others of their kind with every success. In this, they mirrored the unorganized model of mining common in the California Gold Rush; they simply were people in search of a strike, without the ability or the resources to dig deep beneath the surface. Their limitations placed an impediment not only to their success, but also to their ability to form and maintain communities. Those new populations would only last as long as miners easily could find accessible resources.

Some extractive endeavors demanded greater organization and capital. After initial discoveries, silver and lead mines required enormous investments of capital, altering the regional terrain. Panamint, on the west side of the Panamint Range, became the most famous but least productive of the silver-lead districts of the late 1870s. After silver discoveries in Surprise Canyon, U.S. Senators William Morris Stewart and John P. Jones of Nevada bought the Panamint mines for more than \$250,000, organized the Panamint Mining Company, and started Death Valley's biggest nineteenth-century mining rush. One of Nevada's first senators, Stewart had been deeply involved in the Comstock Lode as an attorney. In the Senate, he became the champion of the 1866 mining law that gave prospectors almost complete run of the public domain. He later served as president of the Sutro Tunnel Company, an important effort to support the Comstock's development, before leaving politics temporarily in 1874 to pursue new mining opportunities. Jones had made his fortune in the Comstock, and was purported to have spent as much as \$800,000 securing his Senate seat. Eliphalet P. Raines, a smooth-talking

164-72; Crum, *The Road on Which We Came*, 98.

Southerner, brought Jones into the mining district, and the junior senator persuaded his equally avaricious peer. By the time the two were finished, the Panamint Mining Company was worth \$2 million in capitalized stock, but at its peak, the yield from claims barely met the costs of capitalization.²⁰

Despite the limited economic success, a city of 2,000 grew from a small tent camp. The community included more than fifteen saloons, a newspaper, butcher shops, barbershops, bakeries, assayers, jewelers, and pharmacies. Three stage lines served the town. It took the name Panamint City even as the mines began to yield less silver. Within two years of its founding, Panamint City began to recede; by 1877, the silver had played out, extinguishing the town's reason for existence. For a time during the 1870s, the area held the most significant California desert mining districts. The mines at Darwin and Lookout each had produced \$2 million during their heyday. Miners established lesser extractive ventures at Chloride Cliff and Lee in the Funeral Mountains, on the east side of Death Valley.²¹

Beginning in the early 1870s, borax became the next mining bonanza in Death Valley. Widely used in the United States for softening water, in medical treatments of eyes and wounds, and as an aid to female complexion, the nation imported borax until its discovery in the California desert. Californians long searched for a domestic source, first finding the material in abundance in the state's northern half. Operations there failed eventually, leaving a void in the market. Two southern California mining entrepreneurs, Dennis Searles and E.M. Skellings, discovered borax near Searles Lake, near Argus, in the early 1870s, and extraction began there. However, serious commercial development disappeared as falling prices for silver combined

²⁰ Russell Elliott with William Rowley, *History of Nevada* (Lincoln: University of Nebraska Press, 1987), 162-79.

with the Panic of 1873 to thwart hopes for a substantial borax market. No one was buying much of anything, and capitalists, as such investors were then called, were short of funds. Borax mining required an organizational structure and an investment beyond the reach of most individual prospectors. Death Valley borax remained untouched for another decade.²²

The most productive borax mining operations in Death Valley history started in the early 1880s. Isadore Daunet, a French immigrant who had spent more than half his life roaming the U.S. West, noticed a white crystalline mineral when he crossed Death Valley in 1875. Unable to determine its value, he discarded his samples. In 1881, Daunet heard a rumor that another miner, Aaron Winters, sent similar samples to William T. Coleman, a San Francisco mining entrepreneur. Coleman's representatives reportedly paid Winters \$20,000 for all claims, informing him they intended to start a borax mine. Daunet enlisted help from three friends, raced to Death Valley, and staked a claim on 275 acres of borax-laden land near Bennett's Well, twenty-two miles south of Furnace Creek. By the time Coleman's team arrived, Daunet's Eagle Borax Works was in operation. By June 1883, Daunet had incorporated his company, married, and even found a way to lower the exorbitant shipping costs that cut into his profit. Soon after, Daunet's operation collapsed because of simple bad fortune, and one year later, he was nearly bankrupt. Borax prices fell, his wife secretly filed for divorce, and the despondent Daunet took his life on May 28, 1884.²³

By that time, Coleman had started the Harmony Borax Works at Furnace Creek. Between 1884 and 1888, his company worked the Harmony operation in rotation with the Meridian Borax

²¹ Lingenfelter, *Death Valley and the Amargosa*, 113-34; Levy, *Death Valley National Monument Historical Background Study*; 1998 *Draft EIS and GMP*, 138-139.

²² Lingenfelter, *Death Valley and the Amargosa*, 173-75; *Draft EIS and GMP*, 138-139; Robert Shankland, *Steve Mather of the National Parks* (New York: Alfred A. Knopf, 1970), 22-23.

Company, located at a higher elevation east of Death Valley at Resting Springs. Harmony was a large operation, with two 3,000-gallon dissolving tanks, eight 2,000-gallon settling tanks, and fifty-seven 1,800-gallon crystallizing tanks. It operated about eight months of year; summer heat interrupted the operation by making it impossible for the borax to crystallize. Between June and October, workers shifted operations to the Amargosa, where the slight difference in temperature allowed production to continue even during the summer's extreme heat. Transportation of the borax proved the most difficult problem facing Coleman's operation. Enormous wagons hauled loads of borax 165 miles to the railhead at Mojave, California. This system allowed Coleman to move more than 2.5 million pounds of borax out of Death Valley every year, and later led to the creation of the popular image of the twenty-mule team wagons.²⁴

Even during America's Gilded Age, which favored business at every turn, many operations closed, and Harmony Borax eventually became one of those failures. The aggressive economic climate had negative consequences for men such as Coleman, who searched constantly for ways to monopolize the borax industry. Soon after starting the Harmony and Meridian operations, Coleman's field teams discovered a new and richer type of borax, which became known as colemanite. Other miners claimed colemanite deposits near Calico, south of Death Valley, and significantly closer to the Mojave railroad. Coleman bought out all the claims he could afford and purchased a soap factory in Alameda, California, intending to convert it into a colemanite processing works. The combined stress of all these interests and poor yields drove Coleman into bankruptcy in 1889.

²³ Lingefelter, *Death Valley and the Amargosa*, 177-79.

²⁴ Lingefelter, *Death Valley and the Amargosa*, 175-85; Levy, *Death Valley National Monument Historical Background Study*, 121-128; Alan Hensher, "Bonanza Days at Resting Spring," in Jean Johnson and Jim Pisarowicz, eds., *Proceedings Second Death Valley Conference on History and Prehistory, January 21-25, 1988* (Death Valley, Calif.: Death

Coleman's longtime rival, Francis Marion Smith, acquired all of his assets and consolidated the various holdings into the Pacific Coast Borax Company in September 1890. Smith's first move was to shut down the Harmony and Meridian operations, and hold them in reserve to the Calico mines. He opened a Wall Street office and hired Joseph Mather to run the East Coast operation. Mather selected his son, Stephen T. Mather, who later became the National Park Service's first director, to head the company's advertising and promotion efforts. Mather received the credit for conceiving the "Twenty-Mule-Team Borax" product name. Long before 1916, when Congress established the National Park Service, Steve Mather knew a great deal about Death Valley.²⁵

Workers eventually depleted the borax at Calico, forcing Smith and his company to search elsewhere for the mineral. His field teams developed colemanite borax reserves at Old Ryan, on the east side of Death Valley in 1903, and opened the Lila C. Mine. With great difficulty, Smith built a railroad to serve the Lila C., but its completion cost more than \$3 million and came after two other railroads already reached the mining district. Although Smith's railroad successfully hauled enormous quantities of borax, it precipitated the end of his empire.

Within a decade, borax revenues significantly diminished, and Smith experienced Coleman's fate. As early as 1910, he was engaged in an elaborate pyramid scheme, acquiring new loans to pay old ones. In December 1910, he formed United Properties of California, a holding company designed to consolidate his assets and provide his creditors with the illusion of greater stability. Even these maneuvers did not slow the decline. In 1913, as the borax operation

Valley Natural History Association, 1991), 64-68.

²⁵ George Hildebrand, *Borax Pioneer: Francis Marion Smith* (San Diego: Howell-North Books, 1982), 21-41; Lingenfelter, *Death Valley and the Amargosa*, 182-86, 380-90; Cynthia Woo, "The Bay Area World of Borax Smith," in James Pissarowicz, ed., *Proceedings Third Death Valley Conference on History and Prehistory, January 30-February 2, 1992*, 80-88.

began to collapse, Smith's holding company became insolvent. The Death Valley railroad was only one of a number of grandiose failures. He assigned his assets for liquidation, seeking to recoup at least part of his losses. Financial pressures forced him to sell his shares in Consolidated Borax even as he sought to recoup his fortune. Although he never succeeded in reclaiming industry dominance, Smith's title as the "Borax King" persisted long after his death in 1931.²⁶

Old Ryan, the town at the heart of the Colemanite boom, never grew as did its early twentieth-century peers such as Rhyolite, but when the Lila C. played out, a new site on the west side of the Greenwater Range overlooking Furnace Creek Wash attracted attention. By 1915, prospectors had filed a number of claims in the area. The operations exceeded 200 tons a day by 1919, about twice the output of the Lila C. A town, New Ryan, sprang up, marked by claim jumping that required adjudication by the courts.

The circumstances inspired another miner, W. Scott Russell, who found a legal opening that left him in control of a claim of considerable significance. Russell discovered that the federal government has not granted Borax Consolidated a patent on a claim because it had designated the tract as school land and transferred title to California a half-century earlier. Russell negotiated a transfer, and found himself with control of an important piece of the borax lode. He sold it to another operator, who eventually sold it to the borax company in 1934. Despite this delay, the mines at Old Ryan and New Ryan became the most profitable operations for Borax Consolidated. In the end, however, the more than \$30 million in product that came from the area could not supersede competition from new producers such as the American Potash and Chemical Company. By 1927, Borax Consolidated closed its mining operations in the Death

²⁶ Gordon Chappell, "The First Ryan: A Borate Mining Camp of the Amargosa," in Jean Johnson, ed., *Proceedings of*

Valley area.²⁷

Gold extraction still retained the characteristics of the individualist phase of mining even after the development of the borax operation. Unlike borax, which required elaborate processing, gold could be sold as it was found. It became the last hope of the small miner, the iconic prospector of the Old West with his burro and his gold pan. Death Valley held promise for such people. Gold had been the original attraction at Death Valley, but borax had temporarily superseded it. Two men who became the region's most famous personalities, Jean Pierre "Pete" Aguerreberry and Frank "Shorty" Harris, set off a new rush when they made a different kind of strike at Harrisburg.

The two were as different as prospectors could be. Aguerreberry, born in southern France in 1874, immigrated to the United States in 1890. A novice miner, Aguerreberry arrived in Death Valley fifteen years later, and met Shorty Harris at Furnace Creek Ranch. Harris had already achieved prospecting fame in the nearby Tonopah, Nevada, gold boom. In 1904, he found surface ore in the Bullfrog Mountains and a gold rush quickly followed. Following his discovery, Harris, whose ore deposits assayed at \$700 per ton, went on a three-week celebratory drinking binge. In a stupor, Harris supposedly sold the Bullfrog gold mine for \$1,000 and three barrels of whiskey. Before leaving Bullfrog, Harris helped found the boomtown of Rhyolite, just west of today's Beatty, Nevada. In August 1905, he and Aguerreberry headed to Ballarat, another mining strike, to try to make new fortunes there.²⁸

On their way to Ballarat, the men stumbled across a new strike. Harris hurried down the

the Fourth Death Valley Conference on History and Prehistory, February 2-5, 1995 (Death Valley, Calif.: Death Valley Natural History Association, 1996), 94-109; Hildebrand, *Borax Smith*, 98-115.

²⁷ Lingenfelter, *Death Valley and the Amargosa*, 385-96.

²⁸ Rhyolite became the largest of Death Valley's gold rush towns, reaching a population of more than 10,000 in just

trail toward to the town, while Aguerreberry stopped on a well-traveled trail near the flat of the head of Blackwater Canyon and found ore on a large barren cropping. The two staked claims and continued to Ballarat, where the legend grew. In the new mining town, Harris loudly talked in the saloons of his find. Reports of assays of more than \$500 a ton attracted even more attention. Harris and Aguerreberry returned to their stakes and found more than twenty miners working. Within ten days, as many as 300 men scoured the area; after two months, more than 500 were at the site. Harris and Aguerreberry retained some control of the strike as a result of their land claims. Aguerreberry had filed claims on the north side of the hill, which he called Eureka. Harris filed his claims on the south side, which soon became a 300-person tent city called Harrisburg. Miners had to import water from Emigrant Spring, Blackwater Spring, and Wild Rose Spring. As was typical of mining booms, the town and claims were short-lived. After a two-year ownership battle with investors, Aguerreberry gained permanent control of the Eureka site, working his claim alone for almost forty years, until his health no longer permitted the physical demands of mining. He died on Nov. 23, 1945.²⁹

Ballarat inspired another significant gold strike at nearly the same time that Harris and Aguerreberry hunted gold in the Bullfrog Mountains. In December 1903, Jack Keane, an unemployed Irish miner, and Domingo Etcharren, a Basque butcher, left Ballarat to prospect for silver south of Chloride Cliff. After several months of working a single ledge without success, Keane stumbled on an immense vein of gold not far from where he had been toiling. Keane had been prospecting for eight years with little to show for his efforts, so his astonishment at such a

two years. Lingenfelter, *Death Valley and the Amargosa*, 284-300.

²⁹ Linda W. Greene and John A. Latschar, *Historic Resource Study: A History of Mining in Death Valley National Monument*, Vol. 2 (Denver: Department of the Interior, 1981), 510-34; Levy, *Death Valley National Monument Historical Background Study*, 101-159; Linda Greene to Gordon Chappell, April 19, 1978, N30 Historic Sites and Structures – Management

rich find led him to name the claim the “Keane Wonder Mine.” News of the find spread widely, kicking off another rush. By the following summer, more than 500 miners worked the area near Keane. Keane and Etcharren filed eighteen claims to protect their interests.³⁰

In the pattern of such strikes, offers to buy the Keane Wonder Mine poured in. J.R. Delamar paid Keane and Etcharren \$10,000 for an option to purchase the mine for \$150,000 at the end of one year. Delamar developed the Keane during that period, bringing in thirty workers, and building an assay office, a general office building, and a wagon road across the desert that reached within one mile of the mine. Delamar spent most of his capital in development, and at the end of the year, lacked the money to complete the purchase. The partners took back the property, complete with improvements, and looked for another buyer. The process repeated itself in 1906, when L.L. Patrick purchased the option. Before he could complete his extravagant development plans, his one-year bond expired. John Campbell, a speculator from Goldfield, Nevada, then purchased the mine for \$250,000.³¹

The sale served as the high point in the Keane Wonder Mine’s history. The new company found that miners had explored only five of the claims that comprised the strike, but the 1906 San Francisco earthquake wiped out much of Campbell’s fortune and left him financially unable to continue mining. In August 1906, Homer Wilson bought the Keane, remaining in control until 1914. The mine changed hands again through the years, but continued to operate until 1916, with Wilson staying on as mine superintendent. New owners reopened the Keane in 1935 to rework the old mill tailings with cyanide. Limited success initiated another round of ownership changes. Between 1937 and 1942, the Keane switched hands three more times. Attempts to revive the

1978-80, Death Valley archives.

Keane's productivity ceased in 1942 and it remained idle. The Keane did not escape the irony that befell most mining operations in Death Valley. During its life span, the Keane Wonder Mine produced an estimated \$1.1 million, only slightly more than the capital invested during the mine's thirty-eight years of operation.³²

At Skidoo, another version of Death Valley's mining story took place. As at each of the other mines, the owners predicated their operation on hope and a little bit of luck, in this case generating one of the two largest-producing gold mines in Death Valley. A pair of miners originally headed for the Harrisburg strike found the gold that initiated the rush in March 1906. John L. "Harry" Ramsey and John A. "One Eye" Thompson went on to file twenty-six claims under the name Gold Eagle. Bullfrog, Nevada, mining millionaire E.A. "Bob" Montgomery soon bought most of the claims. His wife, Winnie, labeled the place "Skidoo" after the then-popular expression when she heard the couple owned twenty-three claims. The operators founded the Skidoo Mines Company, and as was typical, a town followed. Within one year, 700 people called Skidoo home. Two years and \$500,000 in investment later, the mine produced its first significant yield. Skidoo Mines Company paid \$200,000 for a water pipeline to supply the growing town site and power a mill. It became the linchpin of the mine's productivity.³³

After the turn of the twentieth century, lead and copper replaced gold and silver as the main mineral interests in the desert. As part of the early 1900s mining boom in Nevada and

³⁰ Lingenfelter, *Death Valley and the Amargosa*, 275-77.

³¹ Lingenfelter, *Death Valley and the Amargosa*, 276-78.

³² Lingenfelter, *Death Valley and the Amargosa*, 276-78, 312-15; Greene and Latschar, *Historic Resource Study*, Vol. 2, 263-321; Levy, *Death Valley National Monument Historical Background Study*, 38.

³³ Lingenfelter, *Death Valley and the Amargosa*, 286-99; Greene and Latschar, *Historic Resource Study: A History of Mining in Death Valley National Monument*, Vol. 1 (Denver: Department of the Interior, 1981), 608-662; Levy, *Death Valley National Monument Historical Background Study*; "Characters in Death Valley History, Death Valley National Monument," National Park Service fact sheet, Death Valley archives; Donald L. Fife, "Mesothermal Gold mineralization: Skidoo-Del Norte Mines, Death Valley," *California Geology* (April 1987), 87-93.

California, towns such as Leadfield, on the Titus Canyon road, boomed in Death Valley. Early in the new century, Clay Tallman, a Rhyolite attorney who later became commissioner of the Department of the Interior's General Land Office, brought the first ore samples out of the area. Assayers valued the finds at \$40 a ton. Miners filed lead and copper claims in the area as early as 1905, but the high cost of shipping ore from the canyons doomed these early ventures. In March 1924, prospectors Ben Chambers and Frank Metts came to Titus Canyon and staked out claims on numerous lead deposits. They sold their claims to John Salsberry, who formed the Western Lead Mines Company. As 1925 ended, he had increased the number of claims owned from the original twelve to more than fifty. Eighteen men started building an automobile road out of the canyon. Workers added a boarding house and pipeline from Keane Spring by January 1926, the same month that Leadfield received its name. Six mining companies operated in the town and shares in the Western Lead Mines Company sold for \$1.57 each.³⁴

As Leadfield prospered, C.C. Julian, who became president of the Western Lead Mines Company, arrived. A flamboyant oil promoter from the Los Angeles area, Julian was already deeply immersed in the town's biggest financial scandal in the 1920s, an enormous oil stock swindle, and he sought refuge in the desert. In his colorful style, he advertised the sale of stock in a venture he called Jazz Baby, manipulating the value of the stock on the Los Angeles Stock Exchange. To increase investor interest, Julian often brought visitors to Leadfield. They typically came by train from Los Angeles to Beatty, and then traveled the final fifty miles over his newly completed road from Rhyolite to Titus Canyon. Julian gave potential investors an outdoor feast, with an orchestra playing in the background, and then offered a mine tour. As March 1926

³⁴ Lingenfelter, *Death Valley and the Amargosa*, 428-29.

ended, he had sold more than 300,000 shares of company stock, at an average of \$3.30 a share.³⁵

As nearly always seemed the case, the energy around a mining strike, even headed by a dubious character such as Julian, generated a community. Even as the stock started to tumble, Leadfield remained primed to grow. In April 1926, surveyors laid out the town with 1,749 lots on ninety-three blocks. It even had a newspaper, the *Leadfield Chronicle*. However, fraud allegations led the California State Corporation Commission to investigate Julian for selling stocks without a permit, and the agency soon halted stock sales. As the turmoil swirled around Julian, Leadfield investors learned that one of the richest lead veins had bottomed out, heralding the town's end. In January 1927, the post office closed and the community became a ghost town. Julian moved to Oklahoma, but faced indictment there for mail fraud in 1933. He fled to Shanghai, China, where he committed suicide a year later at the age of forty. His legacy, the Titus Canyon road, built at an estimated cost of \$60,000, heralded a future that promised better access to the outside world for everyone in Death Valley.³⁶

By the time Julian's world collapsed, the nature of mining had radically changed. In the late nineteenth century, prospecting made sense for social and economic reasons; by the early twentieth century, not only had the endeavor changed, but the larger economic conditions in the nation and scope and scale of investment demanded much greater returns. A prospector could hope and dream of one great score; a corporation had to produce consistent profits. The yields in Death Valley were rich in the short term, but with the day's technologies, limited in the long run. Mining had its limits, and a transition away from it followed the twentieth-century mining boom.

³⁵ Jules Tygiel, *The Great Los Angeles Swindle: Oils, Stocks, and Scandal During the Roaring Twenties* (New York: Oxford University Press, 1994), 132-33.

³⁶ Lingenfelter, *Death Valley and the Amargosa*, 424-36; Greene and Latschar, *Historic Resource Study*, Vol. 2, 187-210; Tygiel, *The Great Los Angeles Swindle*, 149, 156.

A regional society based in 300- to 1,000-person tent cities rushing around the western desert in search of the next strike promised little permanence. As mining grew, it precipitated an important transformation, one clearly evident in many of the Death Valley area strikes. While prospectors still made significant initial finds, more often they looked to quickly sell them to large companies with the capital to support sophisticated operations. In this respect, the prospectors were heirs to a tradition that started on the Comstock and continued throughout the West. As mining required greater technological intensiveness, miners became prospectors, in essence scouts for great finds that they soon turned over to large companies for as much as they could wrest from corporate hands. If they were fortunate, they received a handsome price. The discoverers of the Keane, Leadfield, Harrisburg, and Skidoo mines all followed this characteristic pattern, allowing for the extraction of wealth, but in the end doing little to establish a permanent desert presence.³⁷

On occasion, these prospecting entrepreneurs pointed toward a different future, one that had little to do with actual mining. In this respect, Walter Scott, better known as “Death Valley Scotty,” took a prominent role in shaping Death Valley. Born in 1872 near Cynthiana, Kentucky, Scott ran away to join two brothers in Nevada at age fourteen. He worked as a water boy on a survey crew, as a laborer for the Harmony Borax Works, and even as a roughrider for “Buffalo Bill” Cody’s Wild West Show. Among his many and often wild contentions, he claimed to have been one of Cody’s close friends and drinking companions but said he left the show in 1902 to chase a mining strike after he and Cody had a falling out. In his own account, Scott decided that gold mining was his future and used his abundant personality and prodigious promotional skills

³⁷ Russell Elliott, *Nevada’s Twentieth Century Mining Boom: Tonopha, Goldfield, Ely* (Reno: University of Nevada

to attract attention. In this, he became the preeminent huckster of mining, a personality larger even than the promises of riches he made.³⁸

A flamboyant style marked the man, equal parts compulsive attention seeker, con artist, and showman. On July 9, 1905, a three-car Atchison, Topeka and Santa Fe Railroad special train, the *Death Valley Coyote*, bolted out of La Grande Station in Los Angeles. In the last car stood Scott, waving a roll of currency after claiming to have struck it rich in a secret Death Valley mine. Scott's stunt broke the record for travel between Los Angeles and Chicago, establishing him as an archetypal early twentieth-century celebrity. It was an era of "firsts," and Scott's travel record fit nicely in the mix. It also gave the con man-turned-celebrity new entrée to the wealthy. Among the many who Scott attempted to pull into his mining schemes was Albert Johnson, a Chicago life insurance magnate who had grubstaked Scott the previous fall. When Scott shook free of all the attention from his train event, he quickly went to meet with the enterprising Johnson. The meeting began a relationship that lasted the rest of Johnson's life.³⁹

The outrageous Scott became well known, but his constant prevarication soon diminished his status. Instead of winning recognition as a venerated celebrity, the public quickly saw Scott as a scoundrel. Between his L.A.-to-Chicago run in 1905 and 1912, Scott's reputation plummeted. By the early 1910s, most people treated him as a confidence man, with his investment schemes regarded as swindles. Johnson stuck with him. He enjoyed Scott's company, and continued to invest despite public derision and evidence that no mining potential existed in any of Scott's operations. Johnson found Scott fascinating, telling his corporate business partner,

Press, 1966), 1-25; Rodman W. Paul, *Mining Frontiers of the Far West, 1848-1880* (New York: Holt, Rinehart and Winston, 1963), 1-14.

³⁸ Lingenfelter, *Death Valley and the Amargosa*, 242-45.

³⁹ Lingenfelter, *Death Valley and the Amargosa*, 252-57.

Robert D. Lay, that “Scott is such an uneasy fellow, and so shrewd, too, that you don’t know half the time whether he is just talking or is telling you something. He is good company though, and a nice fellow to be with. He has them all guessing, me with the rest.” Walter Scott’s charisma played a significant part in Johnson’s affection for the raconteur.⁴⁰

A 1906 visit to Death Valley entranced Johnson. He found a climate that agreed with him and afterward referred to the area as “a place of his heart.” This powerful affinity for place was characteristic of affluent men of his time. Many of his class and background found ranches, farms, or summer places that became precious to them, and during the twentieth century’s first decades, they purchased and transformed such locations. While such transactions were often the epitome of self-interest, they also seeded a nascent preservationism. Some individuals, such as geologist Wallace Pratt, eventually made gifts of their holdings to the National Park Service; others, such as Chicago industrialist Walter Paepcke at Aspen, created communities that captured the national imagination. Johnson’s effort shared elements of both categories. In subsequent years, he acquired more than 1,500 acres in Death Valley. The Steininger Ranch, developed in the 1880s as a grape, vegetable, and fig farm, became his most important component. Nestled in a spring-fed valley, it became the site of Death Valley Ranch.⁴¹

For several years, Johnson used the Steininger site as his camp, residing in several canvas

⁴⁰ Lingenfelter, *Death Valley and the Amargosa*, 242-74; Susan Buchel, “Death Valley Scotty’s Place in Twentieth Century Popular Culture,” in Jean Johnson and Jim Pisarowicz, eds., *Proceedings Second Death Valley Conference on History and Prehistory, January 21-25, 1988* (Death Valley, Calif.: Death Valley Natural History Association, 1991), 96-97; R. Patrick McKnight, “Death Valley Scotty: The Wild West Years,” in Richard Lingenfelter and Jim Pisarowicz, eds., *Proceedings First Death Valley Conference on History and Prehistory, February 8-11, 1988* (Death Valley, Calif.: Death Valley Natural History Association, 1991), 1-9.

⁴¹ National Park Service, *Historic Structure Report Death Valley Scotty Historic District Main House and Annex* (September 1991, National Park Service), 83-85; letter quoted in National Register of Historical Places Inventory, “Death Valley Scotty Historic District,” Death Valley archives; Susan Buchel, “Albert Johnson’s Pursuit of a Death Valley Dominion,” in Lingenfelter and Pisarowicz, *Proceedings First Death Valley Conference*, 12-19; for Pratt, see Hal Rothman, *Promise Beheld and the Limits of Place: A Historic Resource Study of Carlsbad Caverns and Guadalupe Mountains National Parks* (Santa Fe: National Park Service, 1998); for Paepcke, see James Sloan Allen, *The Romance of Commerce and Culture: Capitalism*,

tent platforms erected by his workers. The campsite stood on the north side of Grapevine Canyon at an elevation of 3,000 feet. In a 1909 photograph, the Steininger Ranch included an irrigated pasture for grazing horses, with a grove of cottonwood trees along a nearby stream. Several buildings within the grove formed the ranch headquarters. In 1922, Johnson built three simple frame and stucco structures, the largest of which was two stories high and ninety-six feet long. Albert Johnson preferred this unadorned style of architecture, which was consistent with the religious fundamentalism that guided his life. He had asked noted architect Frank Lloyd Wright to design the buildings, but the staid Johnson found the resulting drawings too esoteric. Johnson's wife, Bessie, raised in northern California, preferred Stanford University's Mission Revival buildings. She convinced her husband to remodel the ranch in "Provincial Spanish," as she called the popular style of the time, with an old Stanford friend, engineer Matt Roy Thompson, as head of the construction.⁴²

While construction proceeded in Grapevine Canyon, Johnson had a small, finely crafted bungalow, garage, and shed built on the Lower Grapevine tract. The bungalow served as a residence for Scott and as a sometime retreat for Albert Johnson when he visited the ranch from his Los Angeles home, a place to escape the attention naturally drawn to the fantastic desert castle. Throughout the 1920s, he struggled with claimants for Grapevine Canyon and other nearby lands, winning some major battles but finding control of the region elusive.⁴³

The ever-enterprising Scott capitalized on the construction of Johnson's house to announce to the world that he was building a castle in Death Valley. After a decade-long hiatus,

Modernism, and the Chicago-Aspen Crusade for Cultural Reform (Chicago: University of Chicago Press, 1983).

⁴² Lingenfelter, *Death Valley and the Amargosa*, 447-48.

⁴³ Lingenfelter, *Death Valley and the Amargosa*, 455-64; Buchel, "Albert Johnson's Pursuit of a Death Valley Dominion," 12-15.

he again became standard fare in the country's newspapers. Albert Johnson reveled in the attention, collecting scrapbooks of Scott's coverage. Work on the complex of buildings continued in Upper Grapevine Canyon for the next five years. Johnson suffered large financial losses in the Depression of 1929, which along with a land dispute with the government led to an end to construction in 1931. The Johnsons managed to complete an ornate residence, which featured the Main Castle building with its Annex, Hacienda, Chimes Tower, Powerhouse, Stable, Garage and Gas House. Collectively the structures became known as Scotty's Castle.⁴⁴

Johnson considered restarting work on the castle several years after the Depression, but never continued. He and his wife continued their frequent visits until Bessie Johnson died in an automobile accident in 1943. When Albert Johnson died five years later, his will deeded the property to the Gospel Foundation of California, a charitable corporation founded by Johnson in 1947 to "carry on the work of the Lord." The Gospel Foundation gave tours through the Castle and provided accommodations for guests. It allowed Scott to live at the ranch and later at the Castle until his death in 1954.⁴⁵

Scott's flair put Death Valley on the map in a new way, and people in great numbers flocked to see the Castle complex. As a result, a small sightseeing business began, typical of the local versions of the tourist industry that dotted the West in the early twentieth century. At Stovepipe Wells, what had been a private development turned into a small hotel. When the Bullfrog gold strike began in 1904, Rhyolite merchants subscribed to a fifty-six mile road to connect their enterprises to it. Bullfrog's preeminent millionaire, Bob Montgomery, had his crews build from one direction while James R. Clark and his workers graded the other way. At

⁴⁴ Buchel, "Albert Johnson's Pursuit of a Death Valley Dominion," in Lingenfelter and Pisarowicz, *Proceedings First*

the juncture, Clark built the Stovepipe Road House at a well to attract the growing number of passers-by. By 1907, the small dugout there had tents for groceries, an eatery, bar, lodging and a bathhouse. Clark also installed a telephone on the line from Skidoo, the first in Death Valley. He later conceived of a resort for the spot, but neither he nor Smith, the “Borax King,” ever made the investment to develop “Old” Stovepipe Wells.⁴⁶ Death Valley remained too remote and frightening to attract a tourist trade.

Tourism continued its rise in importance in the Southwest, and businessmen did not overlook its allure for the Death Valley region. Mining remained the quintessential boom-bust economy, drawing thousands one year and leaving remnants scattered across the desert the next. Those who saw more than the next big score in the desert fashioned a different future. By the 1920s, their ideas of travel were tied to the expanding individualism of U.S. society, so characteristic of the Jazz Age, and the democratization of travel resulting from the automobile. As Americans spread out across the country in their Tin Lizzies, the possibility to bring enough of them to Death Valley to sustain a tourist trade became more than a spurious hope.⁴⁷

Another visionary recognized this possibility and resuscitated the resort idea in Death Valley. A young electrical engineer from West Virginia, Herman W. “Bob” Eichbaum, came to the region in 1907 to join the mining fervor at Rhyolite, and he helped build its first electric plant. After the inevitable collapse of the mine, he moved to southern California, keeping Death Valley and the Amargosa River in mind. In 1925, he sold his business and returned to the desert

Death Valley Conference on History, 14-19; Buchel, “Death Valley Scotty’s Place in Twentieth Century Popular Culture,” 97.

⁴⁵ Ibid.

⁴⁶ Lingenfelter, *Death Valley and the Amargosa*, 291-92, 442.

⁴⁷ Marguerite Shaffer, *See America First: Tourism and National Identity, 1880-1940* (Washington, D.C.: Smithsonian Institution Press, 2001), 93-129; Rothman, *Devil’s Bargains: Tourism in the Twentieth-Century American West* (Lawrence: University Press of Kansas, 1998), 143-67.

to build his dream hotel at Stovepipe Wells. Eichbaum had to build his own road, another of the many toll roads common in the desert, to give his hotel a chance at success. After some negotiating, the state permitted him to build a road from Darwin Falls to his hotel. The capital he invested in road building forced him to construct a smaller hotel than he originally planned. When sands at Hell's Gate, twelve miles short of his site, blocked the trucks carrying road material, he moved the resort operation to the road's end and took its name from what is now called Old Stovepipe, five miles away. There he built not the grand hotel he planned, but a collection of bungalows that opened as Death Valley's first resort on Nov. 1, 1926. The fifty-bungalow operation sported a searchlight that assisted lost travelers, a restaurant, general store, and filling station. Within a few years, Eichbaum added a swimming pool, tennis court, makeshift golf course, and an airfield. After Eichbaum died suddenly of meningitis in 1932, his wife, Helene, continued the business.⁴⁸

Eichbaum's capture of the toll road franchise spurred competitors and led to rivalries between different segments of the Death Valley population. Frank Jenifer, general manager of Borax Consolidated's Tonopah and Tidewater Railroad, had advocated tourist development in Death Valley as early as 1905. The crusty innovator sought to revive the railroad's sagging fortunes, but only after the decline in borax prices did his superiors pay much attention. Enlisting the support of the Union Pacific Railroad, which had taken over the old San Pedro, Los Angeles, and Salt Lake Railroad, Jenifer had plans drawn for a resort at Furnace Creek. Finally, the borax company agreed to build it, creating the Death Valley Hotel Company with Jenifer as president. He acted quickly to demonstrate the value of the decision. When the first Union Pacific tour

⁴⁸ Lingenfelter, *Death Valley and the Amargosa*, 449-56; L. Burr Belden, "Old Stovepipe Wells" (Death Valley, Calif.:

arrived on Feb. 1, 1927, the painters had not yet completed their work.⁴⁹

Close ties between the National Park Service and Pacific Coast Borax led the agency to offer assistance to the company's Furnace Creek Lodge. When the lodge opened in 1927, Mather and Albright recommended the new resort hire Beulah Brown, a skilled manager from Old Faithful Lodge in Yellowstone, who brought the lodge staff down to Death Valley in the winter months and took it back to Yellowstone for the summer. Such support did a great deal to establish the difference between professional operations such as the Furnace Creek Inn and independent ones such as the one run by Eichbaum.⁵⁰

In the field of visitor services, Steve Mather's National Park Service valued professionalism and national reach. Throughout the first two decades of agency history, Mather and Albright favored larger national concerns over smaller local ones, believing that the national operations offered better and more consistent service to park visitors. The two National Park Service leaders worked with companies they deemed reputable in order to provide visitors with quality experiences, and they made their expertise available outside the park system as well. The results were evident within a decade of the agency's founding. By the mid-1920s, railroads had developed a prominent position in visitor services. From Glacier and Yellowstone to the Grand Canyon and Zion, many major national parks enjoyed railroad-owned lodges inside park boundaries.⁵¹ The Furnace Creek operation not only modeled itself on National Park Service offerings, it enhanced agency interest in Death Valley and may have furthered the idea of adding

Death Valley '49ers, 1968), 1-5.

⁴⁹ Lingenfelter, *Death Valley and the Amargosa*, 453-54; Ron Miller, "Fifty Years Ago at Furnace Creek Inn," (Death Valley, Calif.: Death Valley '49ers Association, 1977), 1-16.

⁵⁰ Lingenfelter, *Death Valley and the Amargosa*, 454-56.

⁵¹ Miller, "Fifty Years Ago at Furnace Creek Inn," 6-9; Shankland, *Steve Mather of the National Parks*, 65-71, 120-27, 133-40, 145-52; Donald C. Swain, *Wilderness Defender: Horace M. Albright and Conservation* (Chicago: University of Chicago Press, 1970), 130-34.

it to the national park system.

By the time the National Park Service expanded its sphere of influence in the 1920s, Death Valley had receded from its prominence as a mining center in the previous half-century; the frenetic activity that intermittently transformed the region slowed and population dwindled from mining's heyday. Mining had undergone a transition away from the independent operations that characterized Death Valley to the corporate mining found in Bisbee, Arizona, Ruth and McGill, Nevada, and countless other places. It had become big business; bearded prospectors and their mules only served to remind people of an earlier time, acting as an image in the national imagination. Few homesteaders came to the region; hardly any others sought it for economic purposes. With its obvious economic potential exhausted, something else could be done with the region. Most of it remained in federal hands, leaving Death Valley open to any opportunity that came along. The expansion of the national park system in the 1920s and early 1930s provided one possibility, for it blended the growing independence of Americans in automobiles with the desires of major companies and small operators. The results made a national park area in the Mojave Desert a real possibility.

Death Valley National Monument



The view across Death Valley from Aguerreberry Point. Photograph taken in 1964.
(All photographs courtesy of Death Valley National Park)

Death Valley National Monument



The Furnace Creek Visitor Center, Death Valley National Monument.

Death Valley National Monument



A bighorn ram, one of the park's native animal species.

Death Valley National Monument



An aerial view of the Boraxo Mine inside Death Valley National Monument, operated by Tenneco Inc. Photograph taken in 1975.

Chapter 2:

On the Periphery:

Death Valley National Monument, 1933-1965

At its establishment, Death Valley National Monument was an anomaly among U.S. national park areas, an enormous reserve in a region that many Americans did not regard as special. Most Americans thought of the national parks as places of monumental scenic grandeur, and many still treated the nation's desert areas as wasteland, far less valuable than the scenic mountains and great chasms that had defined the nation since the time of Thomas Jefferson. Following the 1872 establishment of Yellowstone National Park, scenic and spectacular national parks became the norm for preservation. Founded in 1916, the National Park Service accepted this formula and elaborated upon it. Influenced by the Romantic art movement of the late nineteenth century that had begun in the United States by the Hudson River School of painters, and personified in the American West by artists such as Thomas Moran and explained by thinkers such as Clarence Dutton, Americans embraced the spectacular as a knowable reflection of their society's accomplishments.¹

Scenic and spectacular parks dominated agency goals and public consciousness throughout the seventeen-year tenure of the National Park Service's first director, Stephen T. Mather, and his right-hand man and successor, Horace M. Albright. Californians both, Mather and Albright appreciated the impact of spectacular scenery on the public. Despite their intimate knowledge of the California desert, the two men typically invested their energy in the establishment of mountaintop park areas throughout the nation. Such areas were distinctive; with

¹ Barbara Novak, *Nature and Culture: American Landscape, 1825-1862* (New York: Oxford Press, 1980), 1-15.

an intellectual, artistic basis that had become a cultural standard already in place, Mather and Albright found it easy to garner support for their establishments as national parks.²

In this formulation, desert park areas such as Death Valley were an afterthought. The small number of homesteads and the numerous Native American lands located in the California desert attested to strong national perceptions that such lands lacked commercial economic potential. Historically, the absence of economic potential greatly contributed to efforts to establish national parks, but in most cases, the lands selected mirrored the late nineteenth-century definition of natural beauty. This ethic excluded deserts. As the 1930s began, Congress had not seriously considered Death Valley for inclusion in the national park system. A desert national park area required a vision of nature different from the one current in 1920s and 1930s society.³

Ongoing mining in the area, an extractive commercial process that was anathema to the National Park Service from its inception, further muddled park possibilities at Death Valley. By the 1930s, the agency had fashioned an identity for itself apart from competitor federal agencies, most particularly the U.S. Forest Service. The national parks were inviolable, park advocates claimed even before the agency's founding, and Mather and Albright used this premise as a cudgel. National parks were not for commercial extractive use; only rarely did the National Park Service tolerate commercial use in any form. Inholdings and prior land claims pushed the limits of agency forbearance. Even temporary grazing in Yosemite National Park during World War I inspired passionate objection. This powerful definition made it difficult to consider Death Valley

² Alfred Runte, *National Parks: The American Experience*, 2nd ed. (Lincoln: University of Nebraska Press, 1987), 33-79; Stephen J. Pyne, *How the Canyon Became Grand* (New York: Viking, 2000), 1-16

³ Runte, *National Parks*, 109-12; Horace M. Albright as told to Robert Cahn, *The Birth of the National Park Service: The Founding Years, 1913-1933* (Salt Lake City: Howe Brothers Press, 1986), 275-78.

for any category of national park area, much less the coveted national park status.⁴

Mather ran the early National Park Service as he had his business career. A widely known and gregarious man, he operated as an advocate, using his ties from the business world to further objectives in his chosen field of public service. Mather's frequent travels were replete with meetings with local officials, landowners, and business leaders, talking, persuading, and sometimes even cajoling them to support national park projects. After making his fortune promoting Twenty-Mule Team Borax, Mather remained closely connected to the mining industry and to the Pacific Coast Borax Company. That mining operation, owned by Francis Marion "Borax" Smith, merged with Redwood and Sons, Europe's largest borax consumer, and later became part of Borax Consolidated, Ltd. A man of considerable rectitude, the charming and insistent Mather rarely promoted Death Valley, feeling that his personal history in the borax industry compromised his credibility and cachet in this particular instance. His reticence was unnecessary. Even during the heated 1920s, when the Teapot Dome Scandal toppled Secretary of the Interior Albert B. Fall, Mather's informal lobbying and his offers to take political and civic leaders on area tours did not contravene the era's standards of conflict of interest. Mather's fear of tarnishing his reputation stalled efforts to make a park in the California desert. Before 1927, he refused to do more than suggest Death Valley for any category of national park status. Instead, throughout the 1920s he honed in on national parks in the eastern half of the nation and Utah's scenic wonderlands. His respected integrity kept him from a challenge to the realities of national taste, politics, and the prospect of commercial development within park area

⁴ Robert Shankland, *Steve Mather of the National Parks* (New York: Alfred A. Knopf, 1953), 170-90; Hal K. Rothman, "'A Regular Ding-Dong Fight:' Agency Culture and Evolution in the Park Service-Forest Service Dispute, 1916-1937," *Western Historical Quarterly*, XX 2 (May 1989), 41-60.

boundaries.⁵

Laying the Groundwork for a Park

Changing economic conditions made a park area at Death Valley a possibility. Pacific Coast Borax held countless mining claims in the area, including the most important one, at Furnace Creek. As 1926 ended, the company closed its mining operations in Death Valley. Borax reserves had diminished significantly, and borax mining no longer yielded the sizable profit on which the company depended. In February 1927, Pacific Coast Borax shifted the nature of its economic interests in the area, and opened a hotel at Furnace Creek. The company purchased a gasoline-powered passenger car for the Death Valley rail line, imported tour busses similar to the ones the Union Pacific Railroad used in the Utah national parks, and developed an impressive winter tourist business. Although logistical problems abounded, the tourism business gained momentum, and the company considered further investing in the recreational property. It hoped to benefit from the national park imprimatur; the Atchison, Topeka, and Santa Fe Railroad enjoyed a near monopoly on tourism at the Grand Canyon while the Union Pacific controlled the nearby Utah park trade, and the borax company leaders recognized the advantages of national park area designation. Pacific Coast Borax officials sought to persuade Mather that Death Valley, now inconsequential for borax mining, would make a fine addition to the national park system. Company officials invited Mather to inspect Death Valley.⁶

Although he had worked for Pacific Coast Borax, Mather had never explored Death Valley in any systematic way. Excited at the prospect of the area's inclusion but still wary of the

⁵ Shankland, *Steve Mather of the National Parks*, 56, 220-24; Richard E. Lingenfelter, *Death Valley and the Amargosa: A Land of Illusion* (Berkeley: University of California Press, 1986), 464; David H. Stratton, *Tempest Over Teapot Dome: The Story of Albert B. Fall* (Norman: University of Oklahoma Press, 1998), 222-24.

⁶ Lingenfelter, *Death Valley and the Amargosa*, 452-54; Shankland, *Steve Mather of the National Parks*, 276-78; Hal

appearance of conflict of interest, Mather invited Albright and a number of agency officials to join him. In January 1927, the group, along with Pacific Coast Borax representatives, toured Death Valley and its environs. The National Park Service people raised questions about boundary lines, the effect of national park status on mining claims, the scarcity of water for service facilities, and the obvious displeasure some residents felt at the prospect of having a national park area in their back yard. Privately, Mather still worried that his ties to Pacific Coast Borax would lead to charges of improper influence if he championed the area for the national park system. The region's diversity and its scientific and scenic potential impressed the National Park Service group, but mining claims inside the proposed park still gave the director pause. Despite the enthusiasm of Pacific Coast Borax, much of the region's best land was beyond federal jurisdiction, assuring that park establishment would require either the generosity of powerful interests or congressional appropriation. Neither seemed likely. In 1927, Death Valley lacked the combination of features and public land that typically simplified the park origination process.⁷

After Herbert Hoover's presidential election in 1928, the chances of adding Death Valley to the national park system improved. As were many members of his social class, Hoover was an avid conservationist who enjoyed the outdoors and was a strong supporter of national park initiatives. After Mather's poor health forced him to leave the agency directorship in January 1929, Hoover replaced the agency's founder with Albright. Thorny, acerbic, and extraordinarily proficient, Albright proceeded with plans for Death Valley. He had been the National Park

K. Rothman, *Preserving Different Pasts: The American National Monuments* (Urbana: University of Illinois Press, 1989), 188; Albright as told to Cahn, *The Birth of the National Park Service*, 275-78.

⁷ Albright as told to Kahn, *The Birth of the National Park Service*, 275-76; Shankland, *Steve Mather of the National Parks*, 276; Donald C. Swain, *Wilderness Defender: Horace M. Albright and Conservation* (Chicago: University of Chicago

Service's inside man throughout the 1920s, bringing a decade of experience and close relationships with influential figures to the task of guiding national park proposals through Congress. He had a personal stake in the creation of a national park area in Death Valley, but existing mining claims remained an obstacle that continued to challenge agency assumptions about its values. Albright recognized that Pacific Coast Borax's cooperation in any park endeavor was crucial. The company appeared to have decided that tourism was its future in Death Valley, but Albright felt compelled to assure Pacific Coast Borax leaders that any federal legislation would allow mining in Death Valley to continue. In return, he hoped that the company would continue to offer the project its enthusiastic support.⁸

During the 1920s, the National Park Service expanded in size, theme, and geographic reach. Well established by the end of the decade, the agency could plan its future with a greater degree of certainty. Throughout this period, Albright pushed the agency past its emphasis on spectacular scenery. Most of the places in the public domain that fit nineteenth-century definitions of beauty already were in the park system; U.S. Forest Service lands had become a target of National Park Service acquisition efforts, for the Forest Service held much spectacular land. Although Albright announced that he believed he was "rounding out the park system for all time" in 1930, his keen political instincts allowed him to reconsider any self-imposed limits his statement created. Albright recognized that to continue to grow, the National Park Service needed new definitions of national park area-caliber features. The desert offered precisely the opportunities he coveted. Mather's affection for Death Valley and Albright's desire to commemorate his predecessor combined with Albright's delicious political skill to put the area

Press, 1970), 311; Death Valley Master Plan 1960, Volume III, Section A, 2, Death Valley archives.

⁸ Swain, *Wilderness Defender*, 311-13; Albright as told to Cahn, *The Birth of the National Park Service*, 278.

squarely in the agency's plans.⁹

Although different from the gallant Mather, the intense Albright possessed considerable acumen and political shrewdness, and one strong leader succeeded another. After Mather died in 1930, Albright moved to consolidate the National Park Service's strategic position in the federal government. A lifelong Republican who was closely identified with the Hoover administration, Albright was a skilled political insider, keenly aware of the legislative tools available for national park area establishment. Chief among them remained the Antiquities Act of 1906, which allowed the president to proclaim national monuments from unallocated public land. Albright had relied upon the Antiquities Act throughout his tenure as Mather's chief assistant. He advocated its liberal use during the 1920s even as he developed close relationships with Congress that led to greater support for legislatively established parklands. Long before he became director, Albright had become a master at encouraging the political process to yield desired results.¹⁰

In 1930, Albright demonstrated the agency's growing interest in Death Valley. Since its founding, the National Park Service had devised a successful strategy for assessing park lands; time and again, it sent one of its trusted representatives to view prospective areas, following up with detailed reports, and then using the reports to persuade its friends in Congress. Albright followed this strategy at Death Valley. He sent Roger W. Toll, superintendent of Yellowstone National Park, and Charles Goff Thomson, Toll's counterpart at Yosemite National Park, to conduct detailed studies of eastern California. During the 1920s, Toll had become the agency's leading evaluator of national park proposals. He and Albright pursued similar objectives for the

⁹ Horace M. Albright, *Origins of National Park Service Administration of Historic Sites* (Philadelphia: Eastern National Park & Monument Association, 1971), 16-17; Albright as told to Cahn, *The Birth of the National Park Service*, 278-80.

agency, and the new director could count on Toll and Thomson to provide him with the positive endorsements needed to carry out the National Park Service's mission as they all saw it. After their visit, Toll and Thomson urged national park or monument status for Death Valley. Albright requested temporary withdrawal of the area, a technique by which the General Land Office temporarily excluded new claims until final disposition occurred. Hoover signed the withdrawal directive, Executive Order 5408, on July 25, 1930.¹¹

Albright continued to generate momentum for Death Valley's inclusion in the park system. In February 1931, he instructed Superintendent Col. John R. White of Sequoia National Park to provide another report on Death Valley. White, another agency stalwart, found Death Valley impressive, calling the view from Aguerreberry Point as spectacular as any in the park system. During his visit, White met Walter Scott, "Death Valley Scotty," and toured Scotty's Castle. He also encountered Herman W. "Bob" Eichbaum, the owner of the Stovepipe Wells Hotel and builder of the Eichbaum toll road that stretched nearly forty miles between Death Valley and the old mining community of Darwin. White shrewdly divined the level of support for such a project and his report focused on how to operate a park after its founding. He suggested the possibility of dividing any park into upper, middle, and lower valley management districts, and pointed out possible difficulties with local residents and mining concerns. In response, Albright opted to again recommend national monument status. Late in 1931, he drafted legislation that permitted continued mining in Death Valley even after its establishment as a national monument. "We thought Death Valley deserved protection at once, except perhaps for mining, and that in time the mining authority might be repealed," Albright later recalled. "No

¹⁰ Swain, *Wilderness Defender*, 178-206.

¹¹ Roger W. Toll to the Director, National Park Service, April 23, 1931, File 11568, Death Valley archives;

new mines were opened,” he reported in his memoirs, an inaccurate assessment of the result of this endeavor.¹²

Establishing the National Monument

The establishment of Death Valley National Monument on Feb. 11, 1933, resulted from the change in political fortunes that cast the Republican Party from power in 1932. Albright’s strong affinity for Death Valley and the desert made him persist, but until conditions changed, he found little support. After Hoover’s resounding defeat in November 1932, Albright conceived a plan modeled on Theodore Roosevelt’s aggressive lame duck-period national monument proclamations, most prominent among them the 1909 Mt. Olympus National Monument on the Olympic Peninsula of Washington State. As 1933 began, a powerful sense of loss permeated Hoover’s Cabinet and executive staff. Albright felt certain that the new administration would not retain him, and he looked for ways to strengthen his agency and accomplish a number of long-sought goals before his departure. Hoover saw himself as a strong conservationist and Albright recognized the exiting president’s desire to offer the nation a conservation gift as he departed office. Staunch in his views, Hoover shared the values of the Progressive Era’s professional classes. While the global economic catastrophe that followed 1929 beset his administration, Hoover found solace in the opportunity to leave a legacy that he believed people would admire.¹³

After the 1932 election, Albright prepared the necessary paperwork in anticipation of the president’s outgoing objective. In the last month of the lame-duck period, Hoover proclaimed five national monuments, three of which – Death Valley, Saguaro, and White Sands – were the

¹² Edwin L. Rothfuss, “The Making of a National Park,” in Jean Johnson, ed., *Proceedings Fourth Death Valley Conference on History and Prehistory, February 2-5, 1995* (Death Valley, Calif.: Death Valley 49ers Association, 1995); John White to The Director, National Park Service, Feb. 21, 1931, Situation Reports, A2623 38-31, Death Valley archives; Swain, *Wilderness Defender*, 311-16.

first parks established for their desert characteristics. These “representative area” national monuments broadened the park system and allowed it access to a broader array of public lands than was common during the 1920s. Hoover was able to mirror Theodore Roosevelt, leaving the national park system and the nation richer in its conservation legacy.¹⁴ Death Valley National Monument joined the park system, albeit some argued, through the back door.

Death Valley National Monument was an integral addition to a changing national park system. By 1930, Congress had reserved much of the most spectacular scenery in the public domain in what observers labeled “mountaintop parks.” Few untrammelled areas sufficiently large and glorious for inclusion as national parks existed in the continental United States, and ever fewer of those were on public land. In the 1920s, the National Park Service expanded into the eastern states, buying large tracts of private land with congressional funding. The establishment of Shenandoah, Great Smoky Mountains, and Mammoth Caves national parks signaled a new park system that stretched from coast to coast and offered the political advantage of extending the National Park Service beyond its western rivalry with the U.S. Forest Service. Before the eastern parks, every significant national park other than Maine’s Lafayette, now Acadia National Park, was west of the Mississippi River.¹⁵

By the early 1930s, Albright was confident that the agency was reaching an apex. It held, in his estimation, the nation’s most significant scenic areas; what remained necessary was a strategy that allowed the agency to continue to grow. A combination of changing ideas, Albright’s own affection for the desert, and the need to separate the National Park Service from

¹³ Swain, *Wilderness Defender*, 183-98, 217.

¹⁴ Albright, *Origins of National Park Service Administration of Historic Sites*, 13-17; Rothman, *Preserving Different Pasts*, 68-69, 224, 236; Barry Mackintosh, *The National Parks: Shaping the System* (Washington, D.C.: National Park Service, 1997), 18-25; Swain, *Wilderness Defender*, 202, 217, 276-78.

its peers led to the creation of the representative area national monuments. The desert park areas – Death Valley, White Sands, and Saguaro national monuments, and later units such as Joshua Tree, Capitol Reef, and Organ Pipe national monuments, established during Franklin D. Roosevelt’s administration – offered the agency new options. Such parks allowed the National Park Service to continue its pattern of remarkable growth, outdistance rival agencies, and broaden its future.¹⁶

As Roosevelt’s New Deal began after his 1933 inauguration, the National Park Service remained short of resources. The Depression had reversed the advances the agency made during the 1920s, and in the early 1930s, budgets were flat or declining. National monument proclamations rarely included appropriations, Congress typically doling out park budgets in a lump sum, with allocations for some specific projects. As a result, the National Park Service had to reallocate existing resources for management of new park areas. In a cost-saving measure that stemmed from the lean agency budget history, larger parks often managed new smaller ones. Death Valley National Monument became the responsibility of Superintendent John R. White of Sequoia National Park, even though he already administered General Grant National Park in addition to Sequoia. White immediately assessed the new monument and informed Albright that even though he thought that Death Valley was too large for management with the resources available for national monuments, the park needed to be larger to serve agency purposes. Several areas north and east of the original monument boundaries merited inclusion, he wrote. White also recognized the crucial need for access. Following agency practice, White argued for a main entrance road and improvement of existing roads to scenic viewpoints. “In Death Valley we have

¹⁵ Rothman, *Preserving Different Pasts*, 170-71, 189-90, 196-98, 236-37.

¹⁶ Rothman, ““A Regular Ding-Dong Fight,”” 141-61; Albright, *The Origin of National Park Service Administration of*

inherited not an area in embryo but one ripe for development,” he observed.¹⁷

The Problems of a New Park

White faced a complicated management situation at the new Death Valley National Monument. Not present on a daily basis because of his other commitments, he recognized that the new park contained a range of issues that demanded on-the-ground management. Death Valley’s 1,697,112 acres made it very large by national park system standards. The National Park Service arrived atop a layer of animosity. The family of Bob Eichbaum, who died suddenly in early 1932, and Walter Scot, “Death Valley Scotty,” at the north end of the valley, resented Pacific Coast Borax’s move into tourism. To these rugged entrepreneurs, the company and its shiny tour busses seemed to have stolen the best of their business. White noted that increasing visitation threatened scarce water sources, many of which Pacific Coast Borax controlled, and filled the few camping sites. He estimated that 5,000 cars and 9,000 visitors entered Death Valley National Monument between October 1932 and May 1933; another 1,000 visitors arrived during summer 1933. All of them relied upon the new park’s limited resources and facilities.¹⁸

Located at his headquarters in Sequoia, White decided that he needed a representative at the new park on a daily basis. In 1934, he created a Death Valley administrative plan, appointing engineer Theodore R. Goodwin to serve as on-site manager. Highly motivated and capable, Goodwin became the lead administrator at Death Valley, supervising Acting Custodian Tom Williams, one of the dollar-a-year men so common in national monuments during this era. With a pattern of authority established and a full-time National Park Service representative at the

Historic Areas, 13; Albright as told to Cahn, *The Birth of the National Park Service*, 246-70.

¹⁷ White to The Director, April 7, 1933; White to The Director, May 18, 1934, Situation Reports, A2623 38-31, Death Valley archives.

¹⁸ White to The Director, May 18, 1934; T.R. Goodwin to Hon. Harry L. Eaglebright, March 19, 1935; “Death Valley

monument, White could begin to contemplate facility development.¹⁹

In the National Park Service's short history, national monuments typically received significant support under distinct circumstances. When Congress designated an area for national park status, such as Zion in the 1910s, or when public interest demand forced first the creation of facilities and then the reclassification of the monument, such as occurred at the Grand Canyon between 1902 and park status in 1919, the agency was able to commandeer development resources. The interest of Frank "Boss" Pinkley of the Southwestern National Monuments Group also furthered development. Pinkley was a vociferous and even contentious advocate and he was able to scare up resources for the areas he supervised.²⁰ At its inception, Death Valley fell into none of these categories, greatly limiting the potential for development.

The New Deal and the Park

Conversely, the presidential decree established Death Valley National Monument at a fortuitous moment in national park history, when the ascendance of Franklin D. Roosevelt inverted not only the National Park Service's premises, but those of the entire federal system. Roosevelt's New Deal became one of the most revolutionary programs in U.S. history. An unprecedented intervention into national economic and social affairs, it redefined the role of the state in society. The Depression had left as much as one-quarter of the nation's work force unemployed, precipitating a crisis in public confidence. The institutions of the United States seemed to have failed, and thousands of Americans simply gave up. Many citizens, once economically stable, starved, begged, or rode the rails; all felt that economic and political

National Monument Resume For the Year Ending September 30, 1933," Situation Reports, A2623 38-31, Death Valley archives.

¹⁹ Administrative Plan, Death Valley National Monument, 1934-1935, Situation Reports, A2623 38-31, Death Valley archives; Rothman, *Preserving Different Pasts*, 89-118.

²⁰ Rothman, *Preserving Different Pasts*, 119-39; Ronald Foresta, *America's National Parks and Their Keepers*

circumstances had tarnished the nation's promise. When Roosevelt moved into the White House, he brought an ebullience that the dour Hoover could not muster, and the programs he espoused produced a tenuous optimism. The New Deal injected huge amounts of federal money into the economy, creating jobs by the thousands, providing guarantees that became the basis of the social "safety net" and building a range of projects that reshaped the national landscape.²¹

The National Park Service became one of the primary beneficiaries of the New Deal, and the program changed the trajectory of Death Valley National Monument. The only significant source of money and labor for national park development in the 1930s came from New Deal programs, and that funding became the backbone of physical improvement throughout the park system. National parks and monuments benefited from the Emergency Conservation Work (ECW) program and its subsidiary, the Civilian Conservation Corps (CCC). At Death Valley National Monument, as at most new parks, CCC work transformed the area. The CCC provided funds for two camps of laborers to implement White's administrative plan. Workers built trails, roads, firebreaks, and buildings, creating the beginning of the monument's physical plant.²²

Most importantly, CCC labor provided Death Valley National Monument with the infrastructure necessary to support the increasing levels of visitation. White actively championed the road-building program, making roads the leading priority at the monument. He understood that visitation at Death Valley followed newer patterns of travel. Unlike the Grand Canyon, where officials planned and developed the facilities under the situation where people came

(Washington, D.C.: Resources for the Future, 1980), 30-42.

²¹ William Leuchtenberg, *Franklin D. Roosevelt and the New Deal, 1932-1940* (New York: Harper & Row, 1963), 1-26; Samuel P. Hays, *Conservation and the Gospel of Efficiency* (Cambridge: Harvard University Press, 1959), 36-69; Harold K. Steen, *The United States Forest Service: A History* (Seattle: University of Washington Press, 1976), 98-100; Rothman, *Preserving Different Pasts*, 68; Richard Lowitt, *The New Deal and the West* (Bloomington: University of Indiana Press, 1984), 1-9.

²² John Paige, *The Civilian Conservation Corps and the National Park Service, 1933-1942: An Administrative History*

predominately by train and Fred Harvey motor cars, at Death Valley people arrived nearly exclusively by personal vehicles. During 1933, the first year of New Deal programs, Goodwin and the CCC workers completed forty miles of oiled road from the Furnace Creek boundary to Stovepipe Wells Hotel. During the following season, CCC workers graded almost 300 miles of road inside the monument; Goodwin continued the improvements throughout 1935 and 1936. During 1936, more than 100 additional miles of roads were graded and oiled. The demand for infrastructure, in the form of new roads and road maintenance, fell entirely on the National Park Service. Pacific Coast Borax felt no obligation to help maintain government roads.²³

Visitation continued to increase, exacerbating management concerns. In 1934, White reported 22,377 registered visitors at the Furnace Creek Checking Station, an increase of 150 percent from the previous year. Furnace Creek totals reflected only a portion of the growing visitation, since the monument suffered a lack of monitoring elsewhere. Recorded visitation doubled again to more than 50,000 the following year, creating more conflicts about use of space. The growth led to a struggle with Pacific Coast Borax, an uncomfortable reality apparent to both White and Goodwin. Goodwin learned that the borax company had made an effort to develop all the monument properties to which it held mining rights. Pacific Coast Borax possessed claims but not fee-simple patents to most of this land, yet it treated mining claims inside the monument as company property. The most notable result was the disposal of mining refuse in dumps visitors could see. In the most egregious incident, the company created a road and trash dump only a few miles south of Furnace Creek Inn. The company clearly did not hold title to the tract, and White sought to compel more responsible behavior. He urged Frank Jenifer,

(Washington, D.C.: Government Printing Office, 1985), 1-13.

²³ T.R. Goodwin to Hon. Harry L. Eaglebright, March 19, 1935, Situation Reports, A2623 38-31, Death Valley

general manager of the borax company's Death Valley operations, to realize that the monument's establishment had created new circumstances, and while the company was entitled to mine and was an important partner of the National Park Service, it needed to be more sensitive to agency values. White also requested a full-time position from the agency to be dedicated to monitoring the mining company's activities.²⁴

The economic circumstances of the Depression and the public's increased reliance on New Deal programs created a climate in which the expansion of the monument's boundaries became an easy task. The Depression and the New Deal softened historic resistance to federal land ownership across the West. Throughout the decade, the federal government offered the only economic option in much of the rural West. The need for jobs of any kind and the effort to embellish symbols of U.S. achievement both supported development of the national park system. The economic climate muted public resistance, and as a direct result, executive orders enlarged many park areas. Death Valley's original boundaries had not fulfilled agency aspirations, as White pointed out when President Hoover established the monument. The original proclamation omitted Wildrose Springs, Saratoga Springs, and the trail access to Telescope Peak, all desirable inclusions. Between 1934 and 1937, the National Park Service prepared justifications for adding new lands to Death Valley. Agency officials pointed to scenic and management advantages that stemmed from the additions. In 1937, with Executive Proclamation 2228, 50 Stat. 1823, President Franklin Roosevelt added 304,789 acres to the monument.²⁵

With infrastructure development under way and forming of boundaries that better

archives.

²⁴ Death Valley National Monument Annual Report 1934; White to The Director, May 18, 1934, Situation Reports, A2623 38-31, Death Valley archives; Goodwin to The Director, July 10, 1937, Situation Reports, A2623 38-31, Death Valley archives.

accommodated the agency's mission, White and Goodwin next turned to questions of staffing. The agency could get all the short-term project labor it required but even during the New Deal, securing funding for permanent personnel positions remained difficult. As visitation grew, Death Valley's lack of staff became a critical issue. The monument needed rangers to manage visitation, keep track of the borax company, and protect its holdings even before Roosevelt expanded the boundaries. The 1937 enlargement made those needs even more immediate. In 1936, Goodwin and Acting Chief Ranger Tom Williams, now a paid employee, comprised the entire permanent staff. The following year, the monument received funding for one permanent and two seasonal rangers. White focused on obtaining new staff positions, especially an assistant superintendent who could reside in Death Valley and focus on its management. Goodwin informally filled that role before official appointment; on April 14, 1938, he became superintendent of Death Valley National Monument.²⁶

Resolving Mining and Inholdings

Active mining activity within park boundaries made Death Valley distinctive in the park system. Mining claims presented one of the most difficult management problems the National Park Service faced. The General Mining Act of 1872 allowed prospectors to claim tracts with purported mineral value from any part of the public domain at almost no cost. The establishment of a national park or monument did not override existing claims, and Death Valley's establishing legislation grandfathered mining claims into the monument. The federal government lacked the workpower to oversee the thousands of claims, and as mining played out, these lands often

²⁵ T.R. Goodwin to John White, March 31, 1934, L1417 DEVA Boundaries, 1933-34, Death Valley archives.

²⁶ Death Valley National Monument Annual Reports 1937; 1938; 1939; 1942, Death Valley archives; There is some discussion about Goodwin's position description and the dates of his residency in the park. Rothfuss, "The Making of a National Park," suggests that Goodwin's tenure as superintendent began in November 1937. The National Park Service directory of

drifted to other uses. Many such claims became de facto inholdings throughout the national park system, lands within park boundaries that were privately controlled and not subject to agency strictures.²⁷

At Death Valley National Monument, those working some claims that preceded the monument's establishment decided the sites had greater value as service sites for tourists than as mining claims. In 1937, two men operated a filling station and campground on a mining claim adjacent to the main highway between Lone Pine and Death Valley. Although the Department of the Interior recommended that the General Land Office and National Park Service cancel the claim, the instance was only one of many potential issues for the National Park Service.²⁸ The agency was vulnerable to legal but what it regarded as inappropriate uses of land within or near monument boundaries, and it needed a strategy to curtail such intrusions.

Death Valley was not alone in this particular problem. The need for a proactive position stemmed from increasing National Park Service frustration with misuses of lands within and near national park areas. At Carlsbad Caverns, Charlie White established the tourist camp he called "White's City" on a homestead claim at the entrance to the park; Secretary of the Interior Harold L. Ickes was negotiating for the purchase of Grandview Point at the Grand Canyon from William Randolph Hearst at about the same time. Inholdings – private lands within park boundaries – posed a very real and largely insoluble management problem for the National Park Service, and throughout the system, park managers sought a comprehensive strategy for their elimination.

officials from 1991 gives his title as "superintendent" beginning on April 15, 1938.

²⁷ Duane A. Thompson, "Mining in National Parks and Wilderness Areas: Policy, Rules, Activities," Congressional Research Service Report for Congress, Feb. 12, 1996, 4-7.

²⁸ J.H. Favorite to Bradley B. Smith, Jan. 28, 1936; Arno B. Cammerer to Goodwin, Feb. 16, 1938; Arno B. Cammerer to The Commissioner, General Land Office, Feb. 16, 1939, all Box 279, File 609-01 Mining, National Archives and Record Administration, Pacific Region–San Bruno (hereafter NARA–SB); Heather Abel, "Blasting from the Past," *High Country News*, June 23, 1997; Robert McClure and Andrew Schneider, "The General Mining Act of 1872 has Left a Legacy of Riches and

Most would have quickly settled for some measure of control. The Department of the Interior provided the agency with an important rationale to act against such claims. White praised its action, saying it would “decide whether it is possible for any squatter or other person to occupy, possess and use Government land without complying with the provision of the law.”²⁹

Such circumstances revealed one of the most common gaps in U.S. land law, the difference between the terms of the law and actual practice on the lands in questions. Throughout the West and especially in the nation’s remote areas, people used land claims to secure their primacy on space that they had little intention of using in the way the law allowed. Only in rare circumstances, such as Richard Wetherill’s homestead claim on archaeological ruins in Chaco Canyon, New Mexico, in 1906, did the government act against fraudulent attempts to circumvent land law. The General Mining Act allowed an even greater degree of latitude than did the Homestead Act, limiting the Interior Department’s response even more.³⁰ Yet, in the middle of the Depression, in a rare era in which westerners gratefully accepted federal control of land and even asked the government to take more, the National Park Service learned that the courts could remove claimants from their land who did not use their claims in accordance with the law. This was an important lesson at Death Valley National Monument, for it offered the National Park Service an important way to diminish outside impacts inside park boundaries.

Private land ownership within Death Valley National Monument presented a similar yet

Ruins,” *Seattle Post-Intelligencer*, June 11, 2001.

²⁹ John White to The Director, National Park Service, March 2, 1938, Box 279, File 609-01 Mining, NARA-SB; Hal K. Rothman, “The History of National Parks and Economic Development,” in Gary Machlis and Donald Field, eds., *National Parks and Rural Development* (Washington, D.C.: Island Press, 2000), 36-52; Shankland, *Steve Mather of the National Parks*, 181-82.

³⁰ Abraham Lincoln signed the Homestead Act in 1862. A homesteader had only to be head of a household and at least 21 to claim a 160-acre parcel. Each homesteader had to live on the land, build a home and other improvements, farming for five years before they were eligible to “prove up.” The act remained in effect until 1935, but Congress extended it to 1976 in a few circumstances. In Alaska, homesteading was legal into the 1980s. E. Louise Pepper, *The Closing of the Public Domain: Disposal and Reservation Policies, 1900-50* (Palo Alto: Stanford University Press, 1950), 22-51.

more trying dilemma. Even before the creation of the National Park Service, private ownership inside park boundaries, typically located near the very best features, vexed the Department of the Interior. At Death Valley, the National Park Service faced an even more complicated pattern of private ownership. Shortly after the monument's establishment, the National Park Service identified mining claims, homestead patents, confirmed patents that had been sold, and patents that resulted from exchanges of scrip with the government as categories of private ownership within monument boundaries. Mining claims and homestead patents required development and the government could challenge them when officials had the combination of resources to vest in a case and the will to pursue it. Confirmed patents were beyond government control. There was little the National Park Service could do about them, and in most cases, they damaged the monument.

At Death Valley, such claims typically sat atop water sources and often included important historic features such as mines and mining towns. The result mirrored the relationship between land and water throughout the arid West: whoever owned the water source enjoyed de facto control of the surrounding land for miles around. It also hampered the National Park Service as it sought to establish its presence. When the agency acquired new areas, its officials assiduously worked to assure that the public knew the area was part of the national park system and that the agency would be providing needed services to travelers. Private ownership made the recognition the National Park Service craved from the public far more difficult to attain. The result was a powerful desire to end private claims. From the monument's inception, agency officials worked to eliminate inholdings in Death Valley. As part of his management obligations,

White had received authority to pursue the acquisition of private lands.³¹

The inholdings inside Death Valley National Monument were substantial. Pacific Borax Company alone held 10,951.12 acres of patented claims, including 520 acres at Furnace Creek Ranch and another 160 acres around the inn. Other mining companies held claims throughout the monument, typically the claims that miners and prospectors had sold during the various rushes in the desert. Many were in the Panamint Mountains and in and around the defunct mining boomtown of Skidoo. A few sites were in the southern portion of Death Valley. Elsewhere in the monument, Adolf Nevares owned 320 acres with valuable water rights, and the Stove Pipe Wells Hotel sat on eighty acres owned by Helene Eichbaum, Bob Eichbaum's widow. She also held a tract at Hell's Gate, where Daylight Pass opened into the monument with a magnificent view. Individuals also had claimed countless other tracts inside Death Valley's boundaries.³²

One of the most significant concerns was Nevares's land, which the agency considered essential for Death Valley National Monument. A limestone fault on the property created a number of potable warm springs and the property seemed an oasis, a rare spot of abundant water in the desert. Goodwin intuited that Nevares' springs provided much of the water on which the National Park Service relied. Knowing Nevares, he recognized the monument's vulnerability to diversion under the doctrine of prior appropriation, the first-in-time, first-in-right precept that underpinned western water law. Goodwin also recognized the possibility for a small hydroelectric facility in the 500-foot drop from the springs. By any estimation, the Nevares property was crucial to the development of Cow Creek, one of the monument's principal

³¹ George F. Whitworth to Regional Director, Region Four, Jan. 10, 1958, Death Valley files, Box 95 File 1-1-54 to 12-31-59, L3031 Vol. 1 "Areas," NARA-SB.

³² Ibid.

maintenance facilities.³³

Acquiring inholdings proved difficult during the 1930s, for despite the largesse of the New Deal, appropriations remained lean. In 1934, Nevares, known for being difficult in negotiations, offered his property to the government for \$20,000. The National Park Service had already recognized how crucial his holding was and wanted to make an effort to acquire it. Although there were few buyers during the 1930s, Nevares sought outside offers in the hope of inflating the National Park Service's offer. Goodwin requested \$50,000 to acquire inholdings, but a congressional appropriation did not follow. As a result, an excellent opportunity to buy the Nevares property escaped. The land remained out of National Park Service reach during the subsequent twenty years, with the agency facing an ever angrier and more recalcitrant landowner. Without a source of adequate funds, the agency typically relied on exchanges to address the question of inholdings. In the climate of the era, a few small exchanges, such as an eighty-acre exchange that gave the National Park Service a tract that surrounded Stove Pipe Wells Hotel, were all that was possible. Although such exchanges furthered specific park goals, they did not eliminate the need for a comprehensive program of acquisition of inholdings.³⁴

Land Acquisition

After the opportunities supported by the New Deal began to fade later in the 1930s, Death Valley's physical expansion slowed. Following the 1937 addition, few occasions to acquire land appeared. The pattern of exchanges continued in a limited way and the agency pursued Nevares' land, but monument boundaries changed little. Growing emphasis on science

³³ T.R. Goodwin, "Report, Privately Owned Lands and Their Acquisition, Death Valley National Monument," July 3, 1934, 4-9.

³⁴ John White to The Director, National Park Service, May 16, 1934, L1417 DEVA Boundaries, 1933-34, Death Valley archives; "Park Origin and Land Status," Death Valley archives; H.R. 2476; the congressional action for Scotty's Castle

in the post-World War II period led to a new addition in 1952 that while small in size was significant for what it preserved. National Park Service scientists discovered unique biological areas beyond monument boundaries, including Devils Hole, a small spring in Ash Meadows, Nevada. The astute Goodwin lobbied for another boundary extension, realizing that the small size of the tract belied its significance for preserving a significant part of the desert. On Jan. 17, 1952, Truman issued Presidential Proclamation 2961, adding forty acres around Devils Hole to Death Valley National Monument.³⁵

The 1952 proclamation furthered expansion in additional ways. It included authorization to acquire inholdings within monument boundaries, permitting the agency to resume such efforts. Between 1950 and 1957, inholdings became a focus of acquisition efforts. Goodwin consistently faced this question until an automobile accident in 1953 severely injured him. His successors, Edward E. Ogston, who served as acting superintendent until Goodwin formally retired in 1954, and Superintendent Fred W. Binnewies, continued to pursue myriad parcels within monument boundaries through exchanges and purchases. Goodwin had begun an active program to combat fraudulent acquisition attempts and eliminate illegal claims. Many Death Valley residents still used the 1872 Mining Act's broad protection to claim land with no intention of using it for mining. In June 1952, M.C. Williams filed notice of his intent to develop a mill on five acres in Wildrose Canyon. Goodwin believed Williams and David Adams, proprietor of the Wildrose Station, were conspiring to acquire water rights from the mill claim. The National Park Service had denied Adams a special use permit for a swimming pool.

was 54 Stat. 1193; Master Plan for Death Valley National Monument, Mission 66 Edition, D18 Master Plan January 1960, P.R.G. 1-7, Vol. 3, Section A, 2, Death Valley archives.

³⁵ Draft EIS (August 1998), 21-22, Death Valley archives; Proclamation 2961, Addition of Devil's Hole to Death Valley National Monument, L48 Wilderness Areas & Research Reserves 1981-83, P.R.G. 8-9, Death Valley archives;

Williams intended to bulldoze a large stand of trees and shrubs to clear a pad for construction of the mill. Agency personnel acted quickly, soliciting legal advice from attorneys at both the Department of the Interior and Bureau of Land Management. Superintendent Goodwin informed Williams that the National Park Service would determine what activities were suitable inside monument boundaries.³⁶

Monument designation did not prevent further mining claims inside Death Valley, for the authorizing legislation contained explicit provisions to allow placer and mill claims. Williams had filed a claim with the Inyo County assessor, but the law required a National Park Service special use permit for surface development inside the monument. Existing regulations thwarted Williams' development goals. Nor could he get access to water without agency assistance. Goodwin used the circumstances to announce that the agency would apply the doctrine of prior appropriation to claims on all local water sources. This judicial philosophy, "first in time, first in right," awarded water to users based on their priority date, the moment from which they could demonstrate their use of water began. The National Park Service and its CCC contingent had developed and used most of the water sources inside the monument. The agency's claims superseded most mining claims and were second only to Native American claims and some existing mining rights. Most such companies had long departed the area. The National Park Service claim certainly preceded any from the proposed mill, a reality that persuaded Williams to abandon his plan.³⁷

Superintendent, Death Valley to Regional Director, Region Four, April 7, 1952, L1417 Boundaries (Extension), 1933-1952, Death Valley archives.

³⁶ Superintendent, Death Valley, to Regional Director, Region Four, June 27, 1952; Assistant Regional Director, Region Four, to Director, June 2, 1952; Acting Assistant Director to Regional Director, Region Four, July 11, 1952, all Death Valley files, Box 279, File 609-01 "Mining," NARA-SB.

³⁷ Superintendent, Death Valley, to Regional Director, Region Four, July 21, 1952; Acting Assistant Regional Director to The Director, July 25, 1952, Death Valley files, Box 279, File 609-01 "Mining," NARA-SB.

In essence, the National Park Service had begun to use the very laws that hampered the monument to its own advantage at Death Valley. Barring a change in statute, the agency could do little about existing and even new mining claims. Mining was a water-intensive process, and while the agency could do little to stop actual mining, it could use its control of water to hinder non-park activities within park boundaries. If a proactive strategy was to succeed, establishing agency water rights was sure to provide an essential component.

Relations with Pacific Coast Borax

Because of its enormous ramifications, Williams' mill claim offered an extreme among the land disputes at the monument. National Park Service officials handled other situations, especially involving an exchange of interests, with greater ease. Horace Albright's long relationship with Pacific Coast Borax and its successor companies facilitated land exchanges with the monument's leading private landowner. In 1931, Pacific Coast Borax diversified by helping create the United States Potash Company. When Albright left the National Park Service in 1933, he became vice president of U.S. Potash, and the former agency director remained a powerful advocate of park goals. As Death Valley's borax became less of a commodity and tourism grew in importance, the borax companies and the National Park Service often worked closely together to achieve complementary goals, most significantly the resort at Furnace Creek owned by Pacific Coast Borax.³⁸

The mining company and the National Park Service found it easiest to agree over questions of infrastructure, as the unusual bifurcation of land created natural affinities on most questions concerning development. Even when their needs did not dovetail, the two

³⁸ Swain, *Wilderness Defender*, 236, 302; Albright as told to Cahn, *The Birth of the National Park Service*, 312-13.

organizations usually could broaden any discussion to reach an equitable agreement that furthered both sets of objectives. This led to a climate of compromise and cooperation, in which each was able to assert its needs and find a willing partner to alleviate problems.

The question of access to the monument's facilities offered a prime example. Even as water distribution continued to demand attention, road access to Death Valley remained a critical theme to monument administrators. Remote location and primitive transportation infrastructure affected Pacific Coast Borax's resort areas as much as they did the National Park Service's tourist facilities. The obvious solution was air travel, which began across the desert during the 1920s. Throughout the era of propeller aircraft, air travel consisted of a series of interrelated short flights. Scheduled commercial routes and charter flights crossed the region, stopping with some regularity at Death Valley and other locations.

Airports represented one of the National Park Service's key dilemmas, an opportunity that brought the National Park Service's mandates to increase park use and to protect resources into direct conflict. Simultaneously, air facilities juxtaposed ideals of preservation - solitude, quiet, and human scale - with those of access - reaching the parks easily. Demands for airports within national park areas began in 1944 and gained momentum after the war. During the late 1940s, the National Park Service embraced the concept of airstrips near park areas as a convenient way to attract new visitors. Some resisted this approach, seeing it as an inherent compromise. Others believed that the agency's health and future depended on an avid public and airports provided one more way to build extensive public support. The airport dilemma reflected every inherent contradiction in the National Park Service's organic legislation.

At Death Valley, the National Park Service had coexisted with an airstrip since the

inception of the monument. Pacific Coast Borax built the Furnace Creek Ranch airstrip during the 1930s on its property. The National Park Service had little control over decisions the company made on its own acreage, but it held one important trump card. The existing airstrip was too short to accommodate post-war commercial airline traffic. At the company's request, airport engineers from the California Aeronautics Administration (CAA) surveyed the airstrip in 1948 to see if the company could lengthen it. At about the same time, Bonanza Airlines sought landing rights at Furnace Creek, a portent of more visitors by air if Pacific Coast Borax could improve its facilities. After meeting with Goodwin and National Park Service engineers, a CAA engineer requested an official survey for a 4,400-foot extension, but the grade at the site the National Park Service proposed was too steep for CAA standards. At the same time, Pacific Coast Borax still needed to assure that the Furnace Creek Inn had a dependable and legally protected water source. In response to the airstrip rejection, the company offered an exchange of airport lands for a permanent easement between the Furnace Creek Ranch and the Furnace Creek Inn, which contained the water rights the company sought. National Park Service Director Newton P. Drury supported the exchange.³⁹

Under Drury, the most preservation-minded agency director, the National Park Service routinely conceded that aerial views of the national parks might be valuable for attracting tourists, but insisted that airfields remain outside park boundaries. In 1947, the agency had prohibited the landing of planes in national park areas except in emergencies, at the same time permitting existing landing strips to continue in operation. In a 1950 policy decision, National Park Service regulations became obsolete. Interior Secretary Oscar L. Chapman received

³⁹ "Chronology Data on Proposal, 'For Construction of New Airport at Furnace Creek, California,'" Death Valley files, Box 56, File 601-02 "Airfield," NARA-SB.

authority to sponsor airport development within park boundaries. Chapman, a proponent of the Echo Park Dam and the Colorado River Storage Project who forced Drury to resign the directorship, was not the agency's staunchest ally on questions of intrusive use.⁴⁰

Airports remained a difficult issue for the National Park Service throughout the early 1950s, but the great need for access to Death Valley National Monument, added to the small Furnace Creek airport already in existence, made objections moot. Drury's successor, Conrad L. Wirth, recognized air access as an important component of his plans for park area development. Negotiating a fine line between development and protection, Wirth did not support airports within parks. The thirty miles of new runways constructed during his tenure were near but outside of park boundaries.⁴¹

The airport at Death Valley fell into a different category. The 1947 decision grandfathered the little airport in, but as the Civil Aeronautics Administration fashioned plans for a national network of airports, it was not among the sites considered. A 1952 illness of Nevada Sen. Pat McCarran helped bring political power to the issue. While recuperating, McCarran spent time at Furnace Creek, where Superintendent Goodwin discussed the airport project with him. Before he left, McCarran made the project his own, promising to secure passage of two bills in Congress, one restoring the Death Valley airport to the National Airport Plan, and another inserting an appropriation for the National Park Service's share of construction. By September, negotiations between the agency and Pacific Coast Borax were under way, and the Death Valley

⁴⁰ Susan Schrepfer, *The Fight to Save the Redwoods: A History of Environmental Reform, 1917-1978* (Madison: University of Wisconsin Press, 1983), 74-78, 104-05; Mark Harvey, *A Symbol of Wilderness: Echo Park and the American Environmental Movement* (Albuquerque: University of New Mexico Press, 1994), 1-15.

⁴¹ John Ise, *Our National Park Policy* (Baltimore: Johns Hopkins University Press, 1961), 486-87; Conrad L. Wirth, *Parks, Politics, and the People* (Norman: University of Oklahoma Press, 1980), 237-66.

airport was part of the National Park Service's national list of priorities.⁴²

The renovated Death Valley airport depended on more than an exchange of land. Although the National Park Service assigned the project high priority, Congress deleted \$400,000 in funding from the agency's 1952 budget request. Undaunted, the National Park Service completed the land exchange with Pacific Coast Borax, relying on McCarran's promise to secure the needed funding. After the parties completed the exchange, the agency acquired 230 acres inside the monument, offering in return only a total of 20 acres of perpetual easement and water rights. On June 20, 1951, U.S. Representative Clair Engle, a California Democrat, introduced House Bill 4515 to authorize the land exchange. Its counterpart in the Senate, S 1730, drew the promised support from the powerful McCarran. Congress approved the exchange on March 24, 1952. The monument upgraded the airport and airstrip during 1952 and 1953. In 1954, just months before his death, McCarran personally welcomed a Bonanza DC-3, the first commercial airline to arrive at Furnace Creek Airport.⁴³

Responding to Growth

Even as the monument modernized its infrastructure after World War II, the National Park Service continued to rely on land acquisition to mitigate the impact of the enormous visitation increases on Death Valley. Visitation reached 212,710 in 1949, and rose to 300,142 in 1956, a number that severely tested its resources. Mission 66, the ten-year capital development program created to overhaul the national park system, played a significant role in fashioning the agency's response at Death Valley National Monument. During Mission 66, the National Park

⁴² Superintendent, Death Valley, to Regional Director, Jan. 11, 1952, Death Valley files, File 501-05, NARA-SB; "Chronology Data on Proposal, 'For Construction of New Airport at Furnace Creek, California.'"

⁴³ "List of the Superintendents of Death Valley," Reference Material, A2615, Death Valley archives; Rothfuss, "The Making of a National Park"; "Chronology Data on Proposal, 'For Construction of New Airport at Furnace Creek, California.'"

Service usually received what it asked for, and even the most remote parks acquired full-fledged physical plants, temporarily reducing management problems to questions of personnel.⁴⁴

As part of the Mission 66 program, and in response to the enormous increases in visitation, the agency initially sought a new visitor center. Furnace Creek was the most logical location, for it had become the central area of the monument because of the presence of Furnace Creek Ranch. The land in the vicinity belonged to U.S. Borax, formed by the merger of Pacific Coast Borax and U.S. Potash on June 1, 1956, and the National Park Service needed its cooperation. The company proved a willing partner. In 1957, the National Park Service sought lands near Furnace Creek Ranch to which the borax company held subsurface mineral title. As always, the longstanding relationship and Albright's insistent presence assured that the agency and the company would negotiate successfully; both parties had specific goals that a land exchange could attain and their long history together made accommodation a genuine possibility. After the merger, U.S. Borax diminished its direct interest in the resort, leasing its two hotels, Furnace Creek Ranch and Inn and the Amargosa Hotel, to the Fred Harvey Company. This long-time purveyor of Southwestern tourism seemed a much better vendor to capitalize on the burgeoning tourism in Death Valley.⁴⁵

In this case, the land exchange worked to the advantage of both entities. The exchange helped the borax company because the resort needed rights-of-way and water rights near its inholdings; in exchange the National Park Service received important lands for the visitor center. U.S. Borax owned ninety acres just north of the Furnace Creek Ranch, an ideal location for a

⁴⁴ Foresta, *America's National Parks and Their Keepers*, 80-94.

⁴⁵ Hal K. Rothman, *Devil's Bargains: Tourism in the Twentieth-Century West* (Lawrence: University Press of Kansas, 1998), 55-80; Diane Thomas Darnall, *The Southwestern Indian Detours: The Story of the Fred Harvey/Santa Fe Railway Experiment in Detourism* (Phoenix: Hunter Publishing, 1978), 317-25;

new visitor center and campground from both National Park Service and company perspectives. After negotiations, the agency acquired 440 acres of U.S. Borax inholdings in exchange for 200 acres of easements and water rights in Texas Springs and Furnace Creek Wash, which included Travertine Springs. On July 2, 1958, Congress ratified the exchange.⁴⁶

Despite this leading example of smooth cooperation, inholdings remained a primary management issue at Death Valley. Fred Binnewies brought strong credentials to this difficult and complicated task. A National Park Service veteran who came from a seven-year stint at Bandelier National Monument, where he negotiated the difficult Cold War climate in the immediate vicinity of Los Alamos, he was a practiced diplomat and a creative manager. His efforts led to the acquisition of a number of private inholdings throughout Death Valley. In the 1954 season, the National Park Service purchased the 160-acre Thorndyke property near Wildrose for \$16,250 and eighty acres near Hell's Gate from C.E. Fuller for \$1,500. The government also acquired title to Hungry Bill's Ranch in Johnson Canyon during this period. In 1957, the agency paid \$14,500 for 160 acres at Saratoga Springs. These efforts completed the acquisition of the most visible and most important inholdings, and the acquisition of private lands inside the monument subsequently slowed.⁴⁷

Scotty's Castle, the most prominent inholding in Death Valley, remained beyond National Park Service reach throughout this era. Before his 1948 death, Albert W. Johnson transferred ownership of the castle to the Gospel Foundation of California. Walter Scott, "Death Valley Scotty," continued to live at the castle until his death in 1954. After his passing, the Gospel Foundation administered the property for visitors. Interpretation and other issues

⁴⁶ National Park Service, "Death Valley National Monument (Profile)," Jan. 31, 1993, Death Valley archives.

⁴⁷ "List of the Superintendents of Death Valley"; Rothfuss, "The Making of a National Park"; "Chronology Data on

concerned the National Park Service, but the expense of a purchase remained beyond reach even after the creation of the Land and Water Conservation Fund in 1964 and during the halcyon days of Mission 66.⁴⁸ Not all inholding questions could be resolved with Mission 66 funding and superintendents throughout the 1960s eyed Scotty's Castle in the hope that Congress would authorize bringing the property under National Park Service management.

Mission 66 marked the end of an era not only for Death Valley National Monument, but for the National Park Service in general, capping a long period in which landscape architects provided the dominant influence on planning and activity. The influence continued after 1951, urged on by the director, Conrad L. Wirth, himself a landscape architect. Wirth's 1964 departure accelerated a shift in agency emphasis away from facilities construction and toward the newly developing professionalized sciences such as ecology. For Death Valley National Monument – fundamentally left behind throughout the era of development – the shift in emphasis to ecology had important consequences. It elevated the resources of desert in contrast to the high-elevation scenery that had so shaped the National Park Service mentality throughout the age of park development. If Americans appreciated ecology more, the desert stood a chance of becoming at least a partial focus of their new enthusiasm for the environment. In contrast to the first thirty years of park history, the environmental revolution of the late 1960s promised a more prominent future for Death Valley National Monument

Proposal, 'For Construction of New Airport at Furnace Creek, California.'"

⁴⁸ "Summary of Superintendent's Monthly Narrative Report for July 1951," Death Valley archives; "List of the Superintendents of Death Valley"; Foresta, *America's National Parks and Their Keepers*, 173.

Death Valley National Monument



Development on patented claim, Boraxo No. 1, Kern County Land Company. Site was two miles northwest of Ryan, California. Photograph taken in 1962.



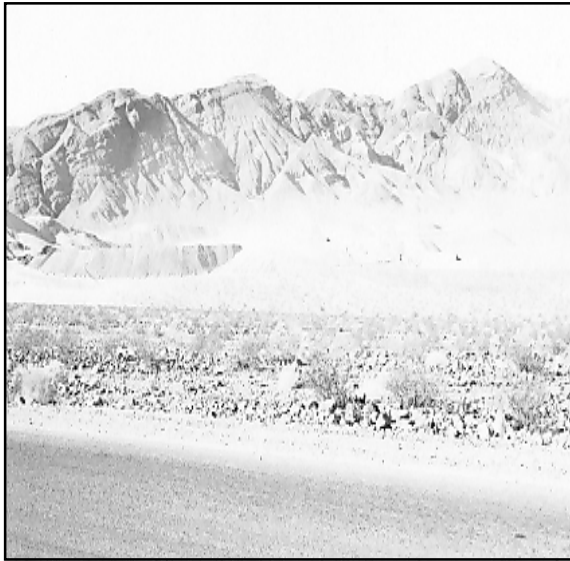
Tenneco Inc. mining site, three miles northwest of Ryan. Photograph taken in 1970.

Death Valley National Monument



A holding pond next to a tailings dump at the Tenneco mining site. Photograph taken in 1971.

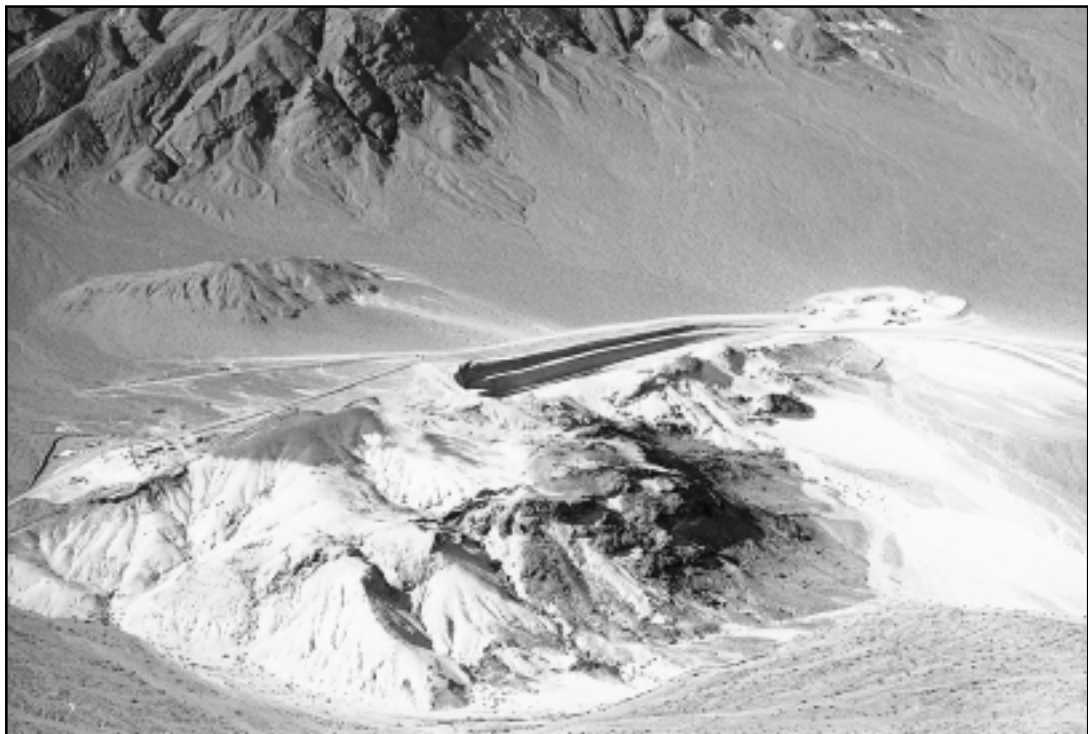
Death Valley National Monument



Waste dumps from the Boraxo Mine, as seen from Highway 190. Photograph taken in 1975.



Sigma Mine, in upper Furnace Creek Wash, operated by Tenneco Inc. Photograph taken in 1975.



Tenneco mining site inside Death Valley National Monument. Photograph taken in 1972.

Chapter 3:

Changing the Meaning of Desert: The Environmental Revolution and Death Valley National Monument, 1965-1994

The 1960s were a heady time for the National Park Service. Mission 66 finally had given the agency the facilities to accommodate the tremendous growth in tourism that followed World War II. Because of a divergent series of forces, the National Park Service began to move in new management directions. Two significant changes – the G.I. Bill that trained so many specialists at the college level, and two reports, the Leopold Report on the condition of wildlife in the park system, and the National Academy of Sciences or Robbins Report – compelled a new vision of National Park Service management.¹ In a way never before possible, the agency embraced science as a guiding administrative force, its people focusing with renewed vigor on resource management as a core mission. At Death Valley National Monument, this new model of thinking about parks in general compelled creative responses in other areas of management as well.

In a brief period of less than two years, between 1967 and 1969, the United States changed its perspective on the question of the environment. Support for environmental protection had been building since the 1940s, but as late as 1968, environment, conservation, and ecology did not register on the Brookings Institution's assessment of problems facing the new Nixon administration; the following year, environment was the leading concern of the respondents in the survey. This transformation reflected the enormous change in U.S. society wrought by the

¹ Richard West Sellars, *Preserving Nature in the National Parks: A History* (New Haven: Yale University Press, 1999), 212-22; A. Starker Leopold, et al., "Wildlife Management in the National Parks," in James B. Trerethren, *Transactions of the Twenty-Eighth North American Wildlife and Natural Resources Conference* (Washington, D.C.: Wildlife Management Institute, 1963); National Academy of Sciences, National Research Council, "A Report by the Advisory Committee to the National Park Service on Research," typescript, Aug. 1, 1963.

incredible post-war moment of prosperity and its power to transform expectations. After World War II, more people did better economically in the United States than at any time before or since. Along with the demographic transformation caused by the “Baby Boom,” this prosperity created an enormous population with ideas and values that altered national society at every stage of life. Postwar prosperity created a context for an aggressive mode of environmental preservation that reflected a smug affluence in general. The idea of a “Quiet Crisis” in the environment, in Secretary of the Interior Stewart L. Udall’s phrase, and a strong pull away from material prosperity at all costs, led to new questions concerning the environment. A much stronger emphasis on preservation, on resource protection from any kind of use, resulted. This was very different from the conservation that marked the early twentieth century, for its focus was aesthetic as much as cultural. Despite the National Park Service’s long involvement with preservation, it was uncomfortable with some of the new movement’s goals.²

The Effort to Designate Wilderness

Designated wilderness became the measure of the National Park Service’s discomfort with the environmental revolution. When it came time to apply the Wilderness Act of 1964 to Death Valley, the idea of wilderness became a dominant concern, both for its impact on the regional population and for the limitations it placed on NPS discretion in management. Unlike any preceding legislation with general application, the Wilderness Act permitted the reservation of land for a singular purpose. Wilderness designation required stringent management and limited administrative prerogative to the least intrusive tool for the job, in most cases eliminating motorized travel and equipment. The National Park Service had not been enthusiastic about the

² Hal K. Rothman, *Saving the Planet: The American Response to the Environment in the Twentieth Century* (Chicago: Ivan R. Dee, 2000), 109-14; Walter A. Rosenbaum, *Environmental Policy and Politics*, 2nd ed., (Washington, D.C.: Congressional Quarterly Press, 1991), 35-42.

passage of the Wilderness Act, because its regulations made park-level management more difficult and managers complained about the law's inflexibility. At the same time, the wilderness concept was extremely popular with the public, albeit often in a symbolic fashion.³

Wilderness required a legislatively mandated review process that had the complicated effect of making wilderness of places that park planners previously had ignored. Because statute required roadlessness as a prerequisite, only areas of more than 5,000 acres that remained undeveloped qualified for federal wilderness assessment. Although of all federal land management agencies, the National Park Service's mandate mostly closely resembled the goals of the Wilderness Act, the agency initially balked at ceding discretion of its backcountry. The agency soon discovered that designated wilderness offered advantages. Wilderness designation of lands beyond its boundaries could insulate national parks from the clutter that often surrounded them. Even more, adjacent wilderness provided a permanent view shed for national park areas, protecting an important asset with little direct agency investment.⁴

Despite general agency ambivalence, the National Park Service recognized wilderness designation at Death Valley as an asset for monument managers. New mining claims in surrounding areas remained a real threat to agency aims, and lands adjacent to Death Valley and other park areas posed an ongoing threat that had the potential to affect resource management. As every superintendent beginning with Theodore R. Goodwin noted, the desert had the potential to change very rapidly. The number of inholdings, the possibility of new mining claims, and countless other potential intrusions threatened the monument. Designated wilderness might

³ Roderick Nash, *Wilderness and the American Mind*, 2nd ed., (New Haven: Yale University Press, 1983), 1-8; Alfred Runte, *National Parks: The American Experience*, 2nd ed., (Lincoln: University of Nebraska Press, 1987), 240-41; Ronald Foresta, *America's National Parks and Their Keepers* (Washington, D.C.: Resources for the Future, 1984), 69-70.

⁴ Sellars, *Preserving Nature in the National Parks*, 191-96; William C. Everhart, *The National Park Service* (Boulder, CO: Westview Press, 1983), 91-99.

provide Death Valley with a way to forestall transformation, to slow its pace, or in ideal circumstances, to prevent it altogether.

In 1971, the National Park Service assessed the possibilities for wilderness designation at Death Valley National Monument and assembled a corresponding management plan. The 1972 *Death Valley Wilderness Proposal* led to public hearings in Las Vegas, Nevada, and San Bernardino, California, in April 1974, and generated 1,771 oral and written responses. On May 15, 1974, Regional NPS Director Howard Chapman presented the *Preliminary Wilderness Study and Draft Environmental Statement for Death Valley* to National Park Service Director Ronald H. Walker and Secretary of the Interior Rogers C.B. Morton. On Dec. 4, 1974, the Nixon administration forwarded the proposal to Congress for its consideration. In its final form, the proposal designated 1,908,000 acres in and around Death Valley – almost 95 percent of the monument – as wilderness. The National Park Service remained confident that the proposal would pass; throughout the early 1970s, Congress favored environmental protection and wilderness and new areas were designated with some frequency. Despite the positive circumstances, Congress took no action on the Death Valley wilderness proposal during the remainder of the 1970s.⁵

Industry opposition provided a primary reason for congressional reticence. The National Park Service had added a stipulation to the legislation that prohibited new mining claims inside monument boundaries. The effort to exclude claims was part of an ongoing struggle. Since the 1930s, Death Valley had grappled with land uses that were not compatible with National Park Service goals. Most of those, in particular mining claims, had preceded the monument's creation,

⁵ Annual Superintendent's Report, Death Valley National Park, 1975; "List of the Superintendents of Death Valley"; The *Death Valley Wilderness Proposal* is essentially the plan adopted in the Desert Protection Act language that became law on

but many occurred even after its 1933 establishment.⁶ The Antiquities Act of 1906, the authorizing legislation for the national monument category, did not expressly forbid mining. The compromises necessary to create the monument in 1933 permitted mining to continue. By the mid-1970s, mining had become less important at Death Valley National Monument, replaced in economic significance by tourism. Broad national environmental sentiment in favor of parks and monuments encouraged agency attempts to curtail future claims, but powerful resistance from mining companies remained. The pressure stalled wilderness designation. Agency officials hoped the delay would be short, but a full generation passed before the formal declaration of wilderness in Death Valley.

A Revival of Mining

Another consequence of the new emphasis on resource preservation led to greater concern for the integrity of Death Valley National Monument. Created in haste in the 1930s, the monument had grandfathered in mining activities inside its boundaries and deferred resolution of the issue. Mining interests were politically powerful, and in comparison, the National Park Service was not. Especially during the Depression, when a great deal of small-scale and seemingly desperate mining by individuals inside monument boundaries took place, the National Park Service clearly saw an assault on mining as counterproductive. The agency's best partner in Death Valley in that era was Pacific Coast Borax, and an agency attack on that company's primary function came at too great a cost in the complicated political climate. By the 1950s, large-scale mining inside the monument had subsided; the mining companies with substantial acreage had become tourist purveyors as early as the 1920s and now saw Death Valley in

Oct. 31, 1994.

⁶ Rothman, *Saving the Planet*, 131-41; Hal K. Rothman, *Preserving Different Pasts: The American National Monuments* (Urbana: University of Illinois Press, 1989), 102-3, 133.

different terms. The changing environmental emphasis that developed in the nation's society during the 1960s gave the National Park Service a vision of possibilities that had not previously existed. To many who made agency policy, this looked to be the first genuine opportunity to eliminate mining within Death Valley's boundaries.

The new interest in ecology in U.S. society assisted the National Park Service when faced with a revival of mining inside Death Valley. Mining in the national monument appeared to be in abeyance and individual owners with companies abandoning many claims by the 1950s, but a sudden revival in the early 1970s shocked the National Park Service. In 1970, Morandex, a Canadian company, considered purchasing the Cooper Lode claims of Grand State Mining. Suddenly, a number of companies expanded mining operations on old claims. Most stunning was the revival of open pit mining, begun in 1971 by Tenneco Oil Company, which started the Boraxo Pit on the former Clara claim near Ryan. Miners had not worked the claim since the 1920s, and its revival did not bode well for the monument. For the first time in more than a generation, a major corporation used its legal right to mine inside Death Valley.⁷

The pit proved profitable and other companies eyed similar opportunities. By 1973, workers were mining 130,000 tons a year from the fifty-one-acre pit, a \$15 million dollar per year business. By National Park Service accounts, the Boraxo Pit's tailings pile was visible to travelers who entered Death Valley from the east; company officials disputed this contention. Mine management was an issue as well. The pit flooded on more than one occasion, creating a potential environmental hazard as well as a use that contravened park objectives and necessitating a response from the monument. Death Valley officials could do little as the

⁷ Superintendent's Monthly Report, December 1969; Superintendent's Monthly Report, June 1970, Death Valley archives.

company explored other borax deposits near Ryan and planned a mill near Death Valley Junction, inside Nevada, to avoid California's stringent environmental regulations.⁸ The plan yielded a significant profit and a new surge of mining activity in Death Valley seemed likely to follow.

Some other park areas faced similar situations, and regional managers looked for ways to limit the impact of mining on the sites they supervised. The legislation for some Alaska parks permitted mining, and in the age of activist environmental sentiment in both political parties, some park advocates in Congress sought legislative remedies. In 1973, Sen. Barry Goldwater, R-Az., and Rep. Morris Udall, D-Az., introduced identical bills to repeal the authority for mining in most national park areas. Although an amendment eventually limited the legislation to Organ Pipe and Coronado national monuments in the legislators' home state, the bill was *prima facie* evidence that the toleration of mining in national park areas was ending. Udall and Goldwater represented different political philosophies as well as parties, and their alliance on this issue proved that Goldwater's libertarianism and Udall's Great Society liberalism could coincide. Although their effort only benefited Arizona's national park areas, their concurrence on a bill limiting an activity so important in their home state gave Superintendent Jim Thompson of Death Valley National Monument considerable hope.⁹

By 1973, Thompson and his staff faced an onslaught of mining activity. They fashioned a response, identifying a number of major concerns associated with mining in Death Valley National Monument. Talc extraction operations in the Panamint Range's south end and in the

⁸ Superintendent's Monthly Report, November 1970, Death Valley archives; James Barker, telephone conversation with Hal Rothman, Sept. 17, 2002; Briefing Statement, Death Valley National Monument, January 1993; Robert D. McCracken, *A History of the Amargosa Valley, Nevada* (Tonopah, NV: Nye County Press, 1990), 91-92.

⁹ "Fourth Meeting, Western Regional Advisory Committee, Death Valley National Monument, Oct. 4-6, 1973, Current Legislation," A18, Western Regional Advisory Committee, Death Valley archives.

Ibex Hills posed one major issue. Production teams used bulldozers to explore for talc outcrops, leaving waste piles and visible road scars. The Tenneco open pit had already created its own issues, most notably a stacked waste dump of more than one million tons. Pfizer's Galena Canyon operation "obliterated" six acres of desert for every 10,000 tons mined, while the Tenneco open pit used only one acre for the same quantity.

In the estimation of monument management, both impacts were too great to tolerate. Exploration roads throughout Death Valley scarred the landscape. With little regulation, companies often started many roads where one would have sufficed. A requirement to annually assess claims often led to damages unrelated to mining. Cabin homes and campsites from earlier mining efforts abounded, and old and dilapidated camps and abandoned mines posed ongoing safety threats to visitors. Faced with the threats, the monument applied its limited available responses. Beginning in 1972, personnel increased enforcement of mining regulations and emphasized application of the permit system that gave the National Park Service some measure of oversight. Death Valley had dealt with similar conditions since its 1933 establishment; the national enthusiasm for environmental issues in the 1970s clearly provided a rare chance to rectify the monument's unusual condition.¹⁰

Tenneco's presence in Death Valley provided the primary obstacle to National Park Service goals. The open pit mine visibly contradicted the widely held presumption of mining's imminent demise inside the monument and Tenneco's political power provided cover for every individual claimant who wanted to keep working a defunct claim. Tenneco's operation seemed headed for a collision with the staff's management objectives. The company's mining claims were valid and its methods legal, if not compatible with Death Valley's direction in the 1970s.

The National Park Service had no legal way to resist such actions, for the work took place well within the boundaries of existing mining claims. Frustrated, Thompson and other monument officials sought short-term defensive strategies without investing too much in the prospect of a long-term remedy. They had been disappointed too many times to believe that they could bar mining from the monument.¹¹

The primary effort became a three-year program to bring mining into compliance with National Park Service regulations by issuing special use permits for mining operations. The permits, monument officials thought, helped Death Valley control surface activity and road access. From a low of fifty permits in 1973, the monument issued 194 in 1974 and 135 in 1975. The tool “afforded an excellent management tool for dealing with miners in a mutually constructive way,” observed Superintendent James Thompson, for it made clear monument expectations and reminded mining companies and their officials that they operated within a national park area. The need for more stringent regulations was obvious to Thompson, but special use permits were the best he had to offer.¹²

Thompson’s efforts ran hard against the rapid growth of mining inside monument boundaries. By the middle of the 1970s, the success of extractive operations in Death Valley enticed more new mining within its boundaries. In 1974, even though monument personnel twice cited the company for permit violations, Tenneco expanded its open pit operation to more than 200 acres. Because of the expansion, mining operations became clearly visible to visitors traveling on a nearby road. Since the mine operated under a National Park Service permit, the agency could fashion only limited responses. The monument considered rerouting the adjacent

¹⁰ “Fourth Meeting, Western Regional Advisory Committee.”

¹¹ Superintendent’s Monthly Report, June 1972; Superintendent’s Monthly Report, May 1972; Superintendent’s

paved road. In 1975, a second mine, the Sigma Pit, opened. A stream of trucks removed about 220,000 tons of borate from Death Valley that year, about 80 percent of domestic colemanite production. Tenneco contemplated further development, assessing the viability of its claims near Zabriskie Point, almost in a direct line with the visitors' entrance to Furnace Creek. The company requested a special permit to operate an open pit mine, and asked for access by road. One company official later recalled the move as strategic, an effort to deter competitors, and at the same time, increase company leverage in its ongoing land exchanges negotiations with the National Park Service. James Barker, one of the principals in the Tenneco operation, remembered that the company's goal was to exchange the Zabriskie Point claim for land that was "out of sight [and] out of mind."¹³ This tactical decision had far-reaching ramifications. It set the stage for a larger battle over the very existence of mining not only in Death Valley, but throughout the national park system as well.

The Mining in the Parks Act

At a peak moment of political environmentalism, Tenneco's Zabriskie proposal aroused national opposition and ignited a confrontation between environmentalists and the mining industry. At the crowning moment in an era of aesthetic environmentalism and affluence, Americans widely supported environmental protection goals and believed that the nation was sufficiently well off that it could set aside resources for preservation purposes. The creation of the Environmental Protection Agency in 1971 and the passage of the Endangered Species Act two years later provided markers of changing sentiment. National park areas served as sacrosanct

Monthly Report, January 1973, all Death Valley archives.

¹² Superintendent's Annual Report, 1975, 11.

¹³ James Barker to Hal Rothman, private communication, Sept. 11, 2002; R.A. Walters, "Tenneco Oil's Colemanite Milling Operations near Lathrop Wells, Nevada," Special Report 26, February 1977, Nevada Bureau of Mines and Geology, Reno, Nev.; Superintendents Annual Report, 1974; Superintendents Annual Report, 1975, Death Valley archives.

symbols of U.S. prowess and largesse, most people thought, and mining seemed an anachronism, a throwback to an earlier time in the country's history. In a symbolic sense, national parks appeared inviolable. Since the Hetch-Hetchy struggle in the early twentieth century, the great battle over the damming of a valley inside Yosemite National Park, no further encroachment on the national park system had occurred. The government transformed the Colorado River Storage Project because of public response to attempts to site a dam in a national park area. In the early 1970s, "Water Buffaloes," the cabal of western congressional leaders who helped assure their reelection by bringing home development projects, fell from power. Bipartisan political environmentalism ascended in U.S. culture and politics, and the threat of more development inside park boundaries rallied the environmental community at a time when it typically could count on Congress for support.¹⁴

By 1976, mining in Death Valley pitted Tenneco against the monument, a juxtaposition that for the first time put the company at a disadvantage. Superintendent James Thompson fought the company's expansion plans, arguing that the full-scale open pit mining was not the intent of Congress when it permitted mining in Death Valley in 1933. Instead, he averred, legislators envisioned that "single-blanket jackass prospectors" would continue to mine on a small scale, as they had since the 1860s. Tenneco Superintendent Greg Sparks countered that mining had been an integral part of Death Valley throughout the twentieth century and that the open pit mine's existing location was the most suitable spot in the monument for such activity. Besides, he insisted, the pit was unobtrusive. Nor was the desert unique in Sparks' view, a perspective that Thompson roundly attacked. "The idea that if something isn't green, it's worthless, shows no

¹⁴ Rothman, *Saving the Planet*, 158-60; Steven C. Schulte, *Wayne Aspinall and the Shaping of the American West* (Boulder: University Press of Colorado, 2002), 3-15, 177-90.

respect or understanding for desert ecology,” Thompson told an Associated Press reporter. The open pit was “like a mole on your face. It’s in one spot, but it affects everything.”¹⁵ The two perspectives seemed irreconcilable and combined to push Death Valley mining into the political arena.

As congressional legislation to curtail mining remained under discussion during 1976, the tension at the monument increased. The National Park Service perceived an acceleration of mining activity inside Death Valley. Mining companies responded to the prospect of legislation by aggressively trying to expand development through attempts to identify and expose additional mineral fields, and increasing the transfer of stockpiles to areas outside of monument boundaries. The issue drew the attention of the national media. The *CBS Evening News* featured a segment with bulldozers moving material into dump trucks in Death Valley, the reporter intoning above the din: “This is your national park.” At the same time, National Park Service advocates increased their pressure to halt mining. In February 1976, the Sierra Club sued the National Park Service, the Department of the Interior, and Secretary of the Interior Thomas Kleppe, asserting that the federal government had not fulfilled its statutory management obligation to prevent surface disturbance. California’s Division of Mines and Geology rushed a special report into publication that supported mining, and the monument countered it with an opposing report. The issue became so intense that in July a congressional delegation risked the summer heat to visit the monument and assess the issue.¹⁶ Such a physically uncomfortable junket assured that some action would soon follow.

¹⁵ “Dispute Heats Up in Death Valley: Mining Profits vs. Environment,” *Petaluma Argus-Courier*, Feb. 4, 1976.

¹⁶ Barker telephone conversation, Sept. 17, 2002; Death Valley National Monument Annual Report 1976, 3.

After the visit, monument staff felt certain that legislation to limit mining would pass Congress, and they correctly assessed this important shift in legislative and national sentiment. In October 1976, passage of the Mining in the Parks Act upended the existing structure of mining in national park areas. The law closed the national park system to new mining and regulated existing claims with increased vigor. It added new assessment requirements that reduced the number of viable claims. The standards now required that mining operations be conducted in a manner that minimized damage to lands, a direct acknowledgment of the impact of open pit mines. The act also required the recording of mining claims within the park system and established a process for invalidating unrecorded and unworked claims.¹⁷

Passage of the act quickly changed the character of mining in Death Valley. Instead of compliant toleration, extractive companies faced an energized staff that aggressively opposed new efforts to mine. American Borate Company, which acquired Tenneco's holdings in 1976, sought new permits to expand surface mining, but encountered a monument staff prepared to litigate to prevent new mining activities. The profits available in mining also diminished. Confounded, the company drew back and focused on its existing operations. "It was good for the park that [Tenneco/American Borate] was a big company," Barker reflected twenty-five years later. "A small company might have had to fight on; it might have needed the operation." To a large conglomerate, this one relatively small entity had given it a public relations black eye. Eventually, such pressure mitigated large-scale mining at Death Valley, removing the greatest single obstacle to eventual national park status at Death Valley National Monument.¹⁸

¹⁷ Mining in the Parks Act PL 94-419 16 USC 1901.

¹⁸ Edwin L. Rothfuss, "The Making of a National Park," in Jean Johnson, ed., *Proceedings Fourth Death Valley Conference on History and Prehistory, February 2-5, 1995* (Death Valley: Death Valley 49ers Association, 1995); Barker telephone conversation, Sept. 17, 2002; Richard E. Lingens, *Death Valley and the Amargosa: A Land of Illusion* (Berkeley: University of California Press, 1986), 394; Duane A. Thompson, "Mining in the National Parks and Wilderness Areas: Policies,

Managing Mining in a New Climate

The Mining in the Parks Act had tremendous management consequences for Death Valley National Monument. After two generations of accepting mining with little ability to slow its advance, the monument could now take a posture more in line with widespread National Park Service expectations. The act created an entirely new management obligation, energizing the monument's response. Although Tenneco's actions prompted the legislation, the reality of mining extended far beyond one company. In 1973, Death Valley counted more than 7,125 acres in private hands within its boundaries, as well as a considerably larger amount of state-held land, also susceptible to mining development. Five major mining companies owned more than 4,412 acres; private claimants, many of whom had not prospected in years, held the rest. In 1975, there were 384 unpatented and 207 patented claims in the monument, with more than 100 waiting to be negotiated. U.S. Borax held 66 percent of the patented claims. The 1976 act allowed for more stringent enforcement, but it also demanded a vast commitment of staff time and resources.¹⁹

A chance to make serious inroads in their largest and most persistent problem propelled Death Valley's staff members forward. The law gave the monument many new tools for regulating mining, and in a move that further bolstered its arsenal, the National Park Service won a court decision in August 1977 that seemed impossible a few years earlier. U.S. District Court Judge M.D. Crocker of the Eastern District of California issued a permanent injunction against surface mining on the Billie Mining Claim.²⁰ The decision stunned the mining community and gave the monument an even stronger sense of mission. While the decision did not halt mining on the Billie claim, it did restrict it to belowground activities, more expensive and less lucrative than

Rules, Activities," Congressional Research Service, 96-161 ENR, Feb. 12, 1996, 2.

¹⁹ Superintendent's Annual Report, 1975, 11; "List of the Superintendents of Death Valley" Reference Material, A2615, Death Valley archives; Rothfuss, "The Making of a National Park," 152-70.

the increasingly popular open pit mining. This was a major triumph for Death Valley, and a portent of the power contained in the Mining in the Parks Act.

After the act, the National Park Service exerted considerably greater control over mining in Death Valley. In 1977, the first full year that the law was in effect, the monument rejected six new mining proposals, two for a lack of information about impact in their proposals and four because of the questionable validity of the claims they intended to develop. The monument had assented to only two of five plans of operation for existing mines by year's end, with the others continuing under temporary authority. At the end of the one-year period for recording claims specified in the act, the agency had 860 claims. In 1978, the National Park Service evaluated the unrecorded mining claims and found that only twenty-seven were valid. Following the process to reclaim abandoned property, the agency returned many inholdings to public ownership.²¹

By 1978, the future direction of mining inside Death Valley was clear. The National Park Service used the 1976 statute to limit the impact of mining. Between its efforts at assessing plans of operation, administering approved plans, and assessing claims, the management of mining became a primary endeavor of the monument staff. Compliance checks of approved mines yielded no major violations in 1978, but mining companies remained well aware of the implications of National Park Service oversight. The monument filed reports on the environmental impact of mining and wrote another study that assessed possible solutions to the need to purchase hundreds of mining claims that year. In 1979, the emphasis on minerals management continued. Mining again became an underground rather than a surface activity as a result of the new regulations, and the National Park Service then pressured the mining

²⁰ *United States v. American Borate Corporation*, CIV 76-206, Aug. 3, 1977; Superintendent's Annual Report, 1977, 2.

²¹ Superintendent's Annual Report, 1977, 3; "List of the Superintendents of Death Valley" Reference Material, A2615,

community to take measures to avoid ground subsidence. The agency established more than eighty subsidence monitoring stations for underground mines in 1979, further accentuating the increasing power of the National Park Service. The agency compelled reclamation at the Boraxo mine and other locations. More than 300 claims were judged invalid that year as well. More and more, mining companies recognized, the National Park Service had gained the upper hand.²² Mining in Death Valley proceeded in accordance with statute and National Park Service policy, not at the whim of mining operators. The change in power represented a major shift in monument management, perhaps the most noteworthy in the history of Death Valley.

The shift in relations appeared temporary when the four-year moratorium on surface disturbance ended in 1980. In 1981, Death Valley personnel experienced a “record workload” that resulted from the filing of new plans of operation for surface mining. Monument staff recognized that the legislative climate had changed; under the new Reagan administration, further legislation restricting mining was at best unlikely. It fell to the monument to maintain its management policy in the face of an increasingly hostile regulatory structure. The Regional Office offered money to support Denver Service Center staff and a Rocky Mountain Region mining engineer during the year, and Death Valley was able to continue to use the law to restrict future surface disturbance. The monument continued to seek to eliminate inactive mining claims, making inroads throughout the 1980s. Yet, even a decade of success after the new law did not completely remove mining. In 1990, even though Death Valley National Monument still

Death Valley archives; Rothfuss, “The Making of a National Park,” 152-70.

²² Superintendent’s Annual Report, 1978, 13-15; Superintendent’s Annual Report, 1979, 15-19.

contained significant inholdings – including 3,084 acres in patented mining claims – the monument had made considerable inroads in resolving inholdings and mining claims.²³

Devil's Hole and the *Cappaert* Case

At Devil's Hole, a second battle that highlighted the impact of the environmental revolution on traditional western extractive activities led to increased appreciation for Death Valley National Monument. Changes in agricultural water use prompted a transformation in the way governing agencies allocated the region's water resources. Until the 1960s, Amargosa Valley residents engaged in small-scale agriculture activities that had only a limited impact on the region's scant water supply. As the decade ended, the growing demand for agricultural products brought Spring Meadows, Inc., owned by Francis L. Cappaert, to the area. The company acquired 5,645 acres in Ash Meadows in an exchange with the Bureau of Land Management. The company increased its land holdings, eventually owning more than 12,000 acres, along with the majority of the water rights in the Amargosa Valley. A large-scale cattle operation, the first of its kind in the vicinity, took shape. In the economically depressed Amargosa Valley, residents looked at the operation with hope. They saw a self-contained entity that employed as many as 100, ran cattle and horses, and raised its own feed. Residents welcomed the cattle outfit, for it seemed to offer new and better economic options for the region.²⁴

The cattle enterprise drew considerably more water from Ash Meadows than did any earlier operation in the area. Such actions affected the complicated network of springs, where biologists had been monitoring a number of species for more than a generation. By the 1960s,

²³ Superintendent's Annual Report, 1981, 22-29; "List of the Superintendents of Death Valley" Reference Material, A2615, Death Valley archives; Rothfuss, "The Making of a National Park," 152-70.

²⁴ McCracken, *A History of the Amargosa Valley, Nevada*, 93-94.

Ash Meadows had earned a reputation as one of the most ecologically diverse places in North America. A range of desert fish, primarily pupfish and dace, could be found in its springs, and Devil's Hole, a small warm-water spring in Ash Meadows, was home to dwarf species of pupfish, one of which, the Devil's Hole Pupfish, could be found only there. Studies of the fish began in the 1930s, leading to the addition of Devil's Hole to Death Valley National Monument in 1952. National Park Service monitoring of water levels in the area began in 1962. As pumping associated with Cappaert's ranching activities increased, the water levels in Devil's Hole and other springs in the area fell, endangering the pupfish.²⁵

At the height of the environmental revolution, the potential demise of an Ice Age relic population such as the pupfish attracted considerable public attention. Scientists such as Dr. James Deacon, a biologist from the University of Nevada, Las Vegas, studied the area, and by the late 1960s, a coterie of scientists arrived annually to assess the Devil's Hole Pupfish population and the single shelf on which it depended. The National Park Service and the scientists worked to establish a direct connection between the cattle operation and Ash Meadows's diminishing water levels. Scientific studies established that when pumping slowed or ceased, the water levels rose.²⁶ While not incontrovertible evidence of direct impact, scientists said the correlation was strong.

The surveys supported the monument's position and created a setting in which environmentalists could lobby for protection for the pupfish. Scientists became catalysts in making the public aware of the issue, and the media soon took up the cause of the pupfish, once

²⁵ Monthly Report, Death Valley National Monument, August 1971; "Significant Events in December 1971," Dec. 29, 1971; "Significant Events in November 1971," Dec. 7, 1971; Record of Significant Events, I&RM Spec. 2-12/71, A2615, all Death Valley archives; McCracken, *A History of the Amargosa Valley, Nevada*, 93-94.

²⁶ James E. Deacon and Cynthia Deacon Williams, "Ash Meadows and the Legacy of the Devil's Hole Pupfish," in W.L. Minckley and James E. Deacon, *Battle Against Extinction: Native Fish Management in the American West* (Tucson:

again bringing national attention to Death Valley National Monument. The environmental community loudly opposed Spring Meadows' use of water, initially pointing to the Endangered Species Act of 1966 as justification for a halt to the pumping. In May 1970, after a series of articles in "Cry California," the journal of *California Tomorrow*, which lamented the pupfish's fate, the Department of the Interior formed a pupfish task force. The agency appointed as chairman James T. McBroom, assistant director for cooperative services in the Bureau of Sport Fisheries and Wildlife. The task force outlined its goals at its first meeting. These included public opposition to any future irrigation development, creation of a management plan for the area that would protect pupfish and their habitat, a special groundwater study, reclassification of BLM lands in the area to protect water levels, investigation of the legality of existing water claims, and assessment of potential sites to which to transfer the pupfish. The task force recognized that it had to proceed not only with a plan to restore water to the springs, but with an alternative in case the preferred plan could not attain the desired result.²⁷

Deeply invested in traditional western extractive endeavors, the local community regarded the existence of the federal task force as tantamount to a declaration of war. From the perspective of many Amargosa Valley residents, the Spring Meadow cattle operation was the area's best economic news in a generation. They regarded university scientists and federal officials as meddlers interfering with the region's livelihood. The appearance in the area of a U.S. Geological Survey team to study regional groundwater conditions heightened the community's fears. Residents felt they were under siege. The animosity was so great that at least

University of Arizona Press, 1991), 69-92.

²⁷ "Remarks of James T. McBroom, Former Chairman of the Now Dissolved Interior Department Pupfish Task Force, at the Third Annual Symposium on Rare and Endangered Fishes of the Death Valley System, Furnace Creek, California, November 16, 1971," Animal Life – Fish, Pupfish, 10-12/71, N1423 (1-28), Death Valley archives.

one Amargosa Valley resident took pleasure in catching pupfish and feeding them to her cat.²⁸ A battle began that foreshadowed the struggles between extraction and ecology that characterized the New West. It pitted national objectives against local ones, a reprise of a common theme throughout the twentieth-century West.

With the species' survival at stake, the task force acted quickly. It produced an initial June 1970 white paper that presented scientific solutions to the pupfish question, raised funds for the groundwater study and contracted with the U.S. Geological Survey to undertake it, and persuaded the Interior Department's assistant secretary for public land management to declare that 7,300 acres of Ash Meadows were inappropriate for exchange, disposal, or sale. Although the task force failed to sway the Nevada state engineer, who continued to grant irrigation permit applications throughout 1970, a year later a combination of public opinion and political action changed the tenor of dispute. Early in 1971, Sen. Alan Cranston, D-Cal., proposed the creation of a 35,000-acre Devil's Hole National Monument; others proposed a national wildlife refuge for the same land. Finally, on Aug. 17, 1971, the U.S. Department of Justice, acting on behalf of the Department of the Interior, asked a federal district court to order Spring Meadows to stop pumping water from three Ash Meadows wells to protect federal water rights in the area. The legal action attracted attention from the environmental community and the national press. The *Wall Street Journal* and *NBC News* both sent representatives to Death Valley National Monument to report on the situation. Just before the scheduled Sept. 2, 1971, hearing, the federal government and the company reached an agreement that permitted pumping to continue until Sept. 9, 1971, but prohibited it throughout the rest of the year and during all of 1972.²⁹

²⁸ McCracken, *History of the Amargosa Valley, Nevada*, 94; "Remarks of James T. McBroom."

²⁹ U.S. Department of the Interior, "A Progress Report on the Interior Task Force for Preserving Desert Pupfish,"

The agreement blended different categories of assumptions, and as they proved incompatible, it collapsed. Although the agreement's restrictions were temporary, from Spring Meadows's perspective, they might as well have been permanent. The rules halted the company's business for an eighteen-month period without providing a mechanism to pay its expenses or provide additional water. The competing perspectives defied compromise. In the Interior Department's view, the 1952 inclusion of Devil's Hole in Death Valley National Monument reserved unappropriated water rights to the land in question. This doctrine, never before tested in court, asserted that water rights came bundled with the land when the terms of an executive proclamation expressed a purpose for the property that required water to fulfill. Spring Meadows lacked perfected water rights when Congress added Devil's Hole to Death Valley, and the department contended, as a result, that under the doctrine of prior appropriation that governed most western water rights, its claim took precedence. Cappaert and his attorneys disagreed. In their view, the addition of Devil's Hole to the monument did not specifically reserve any water rights, and any existing federal rights were included in the land exchange that brought Cappaert to the Amargosa Valley.³⁰ At its core, the battle was as old as federal involvement in the West, a question of state or federal precedence in law. Indeed, the old saying, "whiskey's for drinkin' and water's for fightin,'" once again seemed true.

The courts were the only venue for a permanent resolution. On June 5, 1973, after an Interior Department request, a U.S. District Court limited pumping from wells connected to

(Department of the Interior, June 1971), 10; T.R. Goodwin, "Public Reaction to the Death Valley Region," Situation Reports, A2623, 38-31, Death Valley archives; "Cranston Introduces Bill to Save Unique Fish for Science," *Sacramento Bee*, June 30, 1971; "Ranch to Quit Pumping Water to Save Death Valley Pupfish," *Las Vegas Review-Journal*, Sept. 3, 1971; Elsie Carper, "Devil's Hole Pupfish Granted Reprieve," *Washington Post*, Sept. 3, 1971.

³⁰ April Perry, "Devil's Hole and the Implied Reservation of Water Rights Doctrine," (unpublished paper, copy in possession of the author). The Winters Doctrine, *Winters v. U.S.* 207 US 564 (1908), had established the principle of unreserved water rights designated by the government for use in the terms of an executive order or congressional legislation.

Devil's Hole. Used by Cappaert since 1968, the pumping had greatly diminished the water level at Devil's Hole as it sustained the company's operation. The court ruled that federal interest in preserving Devil's Hole's pupfish population created implied water rights that superceded Cappaert's claim. The Ninth Circuit Court of Appeals concurred, agreeing that the inclusion of Devil's Hole in Death Valley National Monument reserved water rights to administer the area under the proclamation's terms. Cappaert appealed to the U.S. Supreme Court, which ruled in favor of the government on June 7, 1976.³¹ The water supply at Devil's Hole finally was secure, protected by the very act of including it in Death Valley National Monument.

The decision sent shock waves throughout the rural West. To farmers and ranchers, it seemed to permit the United States government to claim water used for generations in many of the seventeen western states that depended on federal water compacts. Many agricultural and ranching entities relied on federal land and water for sustenance, and the court ruling made their economic position tenuous. It also provided another piece of evidence for rural westerners that the tone of the time was against them and sharpened anti-federal sentiment. "There goes the neighborhood," wrote J.R. McCloskey, publisher of the *Mineral County* (Nevada) *Independent* in a typical regional assessment. "The high court did not officially declare the citizens of Nevada as an 'endangered species,' but it certainly established them as such."³² While hyperbolic, McCloskey's comments reflected the growing dismay rural westerners felt about the environmental revolution. A few years later, such sentiments culminated in the Sagebrush

³¹ *Francis Leo Cappaert et. al v. United States*, 426 U.S. 128, N1423, Death Valley archives; Perry, "Devil's Hole and the Implied Reservation of Water Rights Doctrine"; Linda Mathews, "Justices Back Rare Pupfish," *Los Angeles Times*, June 8, 1976.

³² J. R. McCloskey, cited in "Over the Line: Nevada News," *Inyo Independent*, July 15, 1976; G. Michael McCarthy, *Hour of Trial: The Conservation Conflict in Colorado and the West, 1891-1907* (Norman: University of Oklahoma Press, 1977), 236-52; R. McGreggor Cawley, *Federal Land, Western Anger: The Sagebrush Rebellion and Environmental Politics* (Lawrence: University Press of Kansas, 1993), 15-70.

Rebellion, a complicated backlash that coalesced anti-government feelings across the region into the private-property rights movement.

The Cappaert decision was a major triumph for the National Park Service, and it produced ongoing ramifications. The Supreme Court ruling established precedent, and along with the Mining in the Parks Act, further increased Death Valley National Monument's significance. In two short years, this remote and often maligned monument had been at the center of two major decisions that altered the National Park Service's political and management landscapes and gave it two important tools to protect its resources. At least from a policy perspective, Death Valley attained new significance.

Protecting the victory required outside help. With the water levels under Devil's Hole falling again in the early 1980s and plans in place for constructing more than 20,000 homes in nearby subdivisions, the Nature Conservancy, one of the most successful conservation land acquisition entities, stepped in. In the aftermath of the court case, its owners offered the land to the U.S. Fish and Wildlife Service (USFWS), but its director declined to support a purchase. The land was sold and development plans took shape, awakening the USFWS. The Nature Conservancy offered to purchase the land and hold it until the wildlife agency could secure federal funding for government purchase. An unusual emergency listing by Secretary of the Interior James Watt, always hostile to conservation goals but bound by statute in this case inhibited the landowner and opened the way for the Nature Conservancy to step in. After a complicated funding arrangement, the land was transferred to the USFWS as a wildlife refuge in 1984. The Nature Conservancy played an instrumental part in the land acquisition, one of the many supporters of national park goals in the larger public.

Responding to Growth

Death Valley National Monument still faced enormous internal and external challenges. One of the most significant was the region's explosive growth and the resulting impact on local resources. The increasing influx of new residents in the California and Nevada deserts prompted calls for more comprehensive protection for Death Valley. As towns such as Barstow, Tehachapi, and Las Vegas boomed, residents increased their use of the desert. With technologies such as automobile air conditioning and the evolution of all-terrain vehicles and other off-road motorized transportation at their disposal, their ability to impact affect the desert increased dramatically. Since its establishment, Death Valley National Monument had received de facto protection by its remote location, with its distance from population centers and difficulty of travel diminishing many impacts. By the late 1970s, that physical security no longer sufficed; even the legal protection of national monument status, buttressed by the Mining in the Parks Act, seemed inadequate.³³ As elsewhere in the Southwest, national park proponents marshaled arguments in favor of a change to greater protective status.

The combination of the new enthusiasm about environmentalism and the impact of growth led to new land acquisitions in and around Death Valley. Chief among these was one of the most important acquisitions in the monument's history, the purchase of Scotty's Castle in 1970. Since Albert Johnson's death, the Gospel Foundation had managed what was for them an expensive operation far from their primary activities. It long had negotiated with the National Park Service for acquisition, but the agency lacked the funds. Money from the Land and Water Conservation Fund (LWCF), established in 1964 as a mechanism for the federal government to acquire habitat, park, and recreational land, finally allowed the National Park Service to pay

³³ David Darlington, *The Mojave: A Portrait of the Definitive American Desert* (New York: Henry Holt, 1996), 1-11;

\$850,000 for the castle. The purchase served as a catalyst for a concerted effort to acquire other pieces of private property within the monument. After the completion of the arrangement at the castle, the dilapidated Stovepipe Wells became the monument's next objective. Nearly a decade later, on Jan. 23, 1979, the National Park Service purchased Stovepipe Wells Village from Trevell, Inc. Donations also helped the National Park Service acquire other private holdings. In 1978, the Fred Harvey Company donated the Harmony Borax Historic Site to the monument. In 1992, the Conservation Foundation provided 1,400 acres of patented mining claims. The aftermath of the Mining in the Park Act opened the way for more aggressive acquisition strategies at Death Valley.

New Leadership and a New Approach

A few years after the Stovepipe Wells purchase, Edwin Rothfuss arrived at Death Valley to become superintendent. A geologist and a veteran of more than twenty years in the National Park Service, Rothfuss brought considerable experience to a difficult situation. He previously served as a law enforcement ranger at Everglades, a naturalist at Grand Canyon, the first district ranger at Island in the Sky at Canyonlands National Park, chief of interpretation and resource management at Virgin Islands and Mammoth Cave national parks, and chief naturalist at Glacier National Park. After eight years at Glacier, Rothfuss took his first superintendency at Mount Rushmore National Memorial. Three years later, Regional Director Howard Chapman called to offer him the superintendency of Death Valley National Monument.³⁴

Death Valley had severe problems beyond its land acquisition and mining issues, and Chapman's offer included three specific challenges. Burros were overrunning the monument,

Rothman, *Saving the Planet*, 158-65.

³⁴ Edwin Rothfuss, interview by Hal Rothman, Aug. 6, 2002.

driving out other species and damaging water sources throughout the region. The National Park Service had a plan to resolve the problem, but any such program ran the risk of challenges from outside activists. Death Valley needed a superintendent with the courage to implement the agency's plan and the skill to keep it out of court – and out of the newspapers – in the process. The second issue reflected the monument's ability to manage its lands. The 1976 Mining in the Parks Act limited extractive operations, but Chapman wanted the new superintendent to work with the monument's mining engineer to phase out mining inside its boundaries. Finally, Death Valley faced dire personnel problems, Chapman told Rothfuss, and he wanted someone who could motivate personnel and create better career opportunities for them. The prospect of Death Valley had not initially enticed Rothfuss, but the challenges were exciting. "I can't refuse that, so that's why I went to Death Valley," he recalled responding to Chapman. He arrived in August 1982.³⁵

When he reached the monument, Rothfuss found that Chapman had described only the most visible issues. In addition to Chapman's charges, Rothfuss found that Death Valley's physical facilities were abominable. Housing was "in sorry shape," the maintenance area was impossibly deficient, and Stovepipe Wells, Rothfuss remembered, "looked like it needed to be condemned. ... It was a disaster." Morale among monument staff was low. Many staff members lived in mobile homes, "hot tin boxes in the desert," Rothfuss called them, forcing them to endure summer heat with little thought of relief. Life in Death Valley was hard. Inadequate schools made life difficult for children of staff members. The distance that students in the older grades had to travel to reach classes affected their families. The staff seemed stagnant as well. A large portion had spent many years at the monument. When they sought other posts, they usually

³⁵ Ibid.

found few options. After a number of years, many felt that they could not leave and that the rest of the National Park Service did not appreciate their skills.³⁶

Rothfuss learned that the inability of staff members to transfer within the agency reflected larger issues: a lack of respect for the monument within the National Park Service, and a parallel inability to secure resources. Death Valley was “not held in the highest esteem,” he recalled, especially by the National Park Service’s Washington Office and the Western Region that directly supervised the monument. After several months at Death Valley, Rothfuss confronted Chapman, telling him that he felt that the regional director was ignoring Death Valley and its needs. The dramatic lack of staff and resources for needed programs seemed unexplainable to the new superintendent. Chapman first blanched at the remark and then candidly explained the problem to Rothfuss. When National Park Service Director George B. Hartzog, Jr., appointed Chapman regional director, he expressed his personal philosophy that no area that permitted mining belonged in the national park system. Death Valley’s viability as a national park area was in doubt. Chapman felt Hartzog did not want him not to expend resources on the monument. Rothfuss realized that as long as that perception existed in the regional office, his task of effectively managing Death Valley remained difficult, if not impossible.³⁷

Chapman’s words crystallized an ongoing problem for Death Valley National Monument. Despite a generation of greater national appreciation of arid regions and the monument’s features, desert parks remained outside the National Park Service’s normative values. Continuance of mining within the monument remained a major part of the dilemma. Nearly a decade after the Mining in the Parks Act, the transformation it caused had not penetrated even

³⁶ Ibid.

³⁷ Edwin Rothfuss interview, Aug. 6, 2002; George B. Hartzog, *Battling for the National Parks* (Mt. Kisco, N.Y.:

the next higher layer of agency management. The difficulties extended beyond perception. One look at California's political culture showed that most political support for national parks went to Yosemite, Sequoia, King's Canyon, and Redwoods. Mountaintops and gargantuan trees dominated the state's perception of its national park legacy, considerably narrowing a primary avenue of outside support. Rothfuss faced much more than the three challenges Chapman initially presented him. He needed a strategy to redefine the meaning of Death Valley National Monument within the national park system.³⁸

Other desert national park areas shared Death Valley's predicament, and nearly all similarly struggled for resources. Chief among these common concerns was a sense that the National Park Service did not appreciate desert parks. Managers came to refer to the issue as the "big tree syndrome." In the perception of desert park managers, "parks with big trees could do no wrong," Rothfuss recalled, and as a result, desert parks did not receive an equal share of agency resources. The enterprising superintendent recognized the raw material from which to form a community of interest, and he organized other key staff members of desert parks. By the late 1980s, Rothfuss helped convene the Desert Parks Conference, which created a venue to allow the desert parks to share issues and devise common strategies to alleviate them.³⁹

On the local level, improving staff morale at Death Valley became a primary goal, and Rothfuss moved housing and schools to the top of his action list. Transfers for employees who wanted to leave became another priority. A nationwide agency program existed that sought to eliminate mobile homes for park staff, and Death Valley annually applied for funding. Secured

Moyer Bell, 1988), 159-81.

³⁸ Edwin Rothfuss interview, Aug. 6, 2002; Susan R. Schrepfer, *The Fight to Save the Redwoods: A History of Environmental Reform, 1917-1978* (Madison: University of Wisconsin Press, 1983), 44-64; John Jacobs, *A Rage for Justice: The Passion and Politics of Phillip Burton* (Berkeley, Ca.: University of California Press, 1995), 211-14, 353-55.

³⁹ Edwin Rothfuss interview, Aug. 6, 2002.

money eventually built new houses at Cow Creek and Stovepipe Wells. Rothfuss went to hearings that supported moving the high school that served the monument from Shoshone, California, to Beatty, Nevada. The daily journey for students made it difficult to recruit families with school-age children. Changing the school's location not only saved thirty miles a day in travel, but Beatty High School offered a full complement of extracurricular activities as well as a considerably larger student body than the thirty students in the Shoshone school's upper seven grades. The park staff's morale rose visibly when high school-age children started attending the Beatty school, assisting in the recruiting of new staff. Rothfuss also built his own work force over time, assembling what he later called a "highly motivated staff that was pleased" to serve at Death Valley.⁴⁰

Facilities at Death Valley posed another serious challenge. In the National Park Service, remedying poor facilities required a place on the monument's priority list. To achieve this end, any superintendent needed to establish facilities development as a leading goal, convey that objective to the regional office, and then typically wait a number of years until funding appeared. At Death Valley, Rothfuss recognized that the limited support of the regional office increased the predicament's complexity. The problems at the monument were so dire that they demanded a swift remedy. Stovepipe Wells, perhaps the most decrepit lodging facility in the national park system, became the test case. To accelerate perception of the need, Rothfuss pulled out an old report from a safety engineer at Sequoia who observed that the Stovepipe Wells facilities were dilapidated and he suggested that the area was such a potential deathtrap that Death Valley personnel should burn the buildings and replant the area in cactus. The dramatic assessment catapulted Stovepipe Wells to the front of the funding queue, and within the next few years, the

⁴⁰ Ibid.

National Park Service spent more than \$5 million on property improvements. During that time, Death Valley was the top priority in the nation for a special fund to rehabilitate concession facilities, allowing the improvement of another substandard part of the monument's physical plant.⁴¹

The Road to the California Desert Protection Act

The increase in staff morale and improvement in the monument's facilities paralleled a sweeping intellectual change that further altered Death Valley's position within the National Park Service. In the 1980s, Death Valley's designation as a national monument became an issue. Many people felt that a large spectacular area such as Death Valley National Monument merited national park status. The Cappaert decision and the Mining in the Parks Act made national park-caliber resource protection possible at the monument, removing much of the stigma that dogged Death Valley, and a changing cultural vision of spectacular nature bolstered the rationale for a change. Americans no longer regarded their deserts exclusively as wastelands. They had learned to appreciate the stark beauty and unusual landforms of desert regions, especially after the Glen Canyon Dam buried canyonlands in southern Utah, and a generation of forceful writers, from Joseph Wood Krutch to Edward Abbey, extolled the beauty of the desert. A number of monuments similar to Death Valley, including Arches in Utah, had become national parks, and Congress had established new desert national parks such as Canyonlands. After fifty years of monument status, a change seemed possible.

The aftershocks of Death Valley's changing importance within the National Park Service reverberated throughout the Mojave Desert, and the struggle for park status became an integral component of a larger debate about the future of California's desert lands. Technological

⁴¹ Edwin Rothfuss interview, Aug. 6, 2002.

innovations made the desert even more accessible, and off-road vehicle enthusiasts and others continued to roam with wild abandon, often destroying fragile ecosystems and endangering desert plant communities. Powerful environmental organizations sought remedies. They brought along the remains of the bipartisan conservation coalition in Congress, recently fractured by the rise of Ronald Reagan and the end of liberal Republicanism it portended. James Watt's tenure as secretary of the interior provided a rallying point for its fragments, which found in the desert a way to reverse the impact of the Reagan administration. Regarding places such as Death Valley and Joshua Tree national monuments as endangered to the point of destruction by population growth and callous use, those groups sought legislative remedies to environmental problems.⁴²

Such a perspective placed Death Valley directly in the path of opposing but converging trends. Even while the U.S. economy faltered in the 1970s, congressional support for environmental protection remained constant. At the same time, new movements that fervently opposed such goals came forward as part of a backlash against the changes in U.S. society and the global economy. Throughout the 1970s and 1980s, legislation pushed federal land management agencies toward greater cooperation. After the Wilderness Act of 1964 and the Endangered Species Act of 1973, both of which mandated review processes that agencies undertook separately, the 1976 Federal Land Policy and Management Act established a mandate that required interagency cooperation. While initially the old interbureau rivalries persisted, leading to countless efforts to reinvent practices that peer agencies long had utilized, the combination of the burdens of compliance in financial cost and work hours led agencies to consider each other's practices and to promote cooperation. At the same, the principal

⁴² Darlington, *The Mojave*, 7-9; Hal K. Rothman, *The Greening of a Nation? Environmentalism in the U.S Since 1945* (Fort Worth: Harbrace Books, 1997), 177-8.

opportunities to derive a living in the desert changed from irrigated agriculture and ranching to recreation. Many who felt that the era's trends disenfranchised their life choices avidly worked to limit the reach of environmentalism and the legislative package that underpinned it. The desire to preserve the eastern Mojave Desert and transform Death Valley from national monument to national park became the proving ground of a new generation of environmental battles.

In 1980, following the guidelines of the Federal Land Policy and Management Act, the Bureau of Land Management unveiled the California Desert Plan, a management proposal for twelve million acres of the eastern Mojave. At its inception, the plan was the largest effort at regional planning ever attempted in the United States. It took the BLM acres and divided them into different management districts or "zones." The proposal designated two million acres as wilderness study areas, and divided the remaining ten million acres by the various levels of use, classifying them for "intensive," "moderate," or "limited" development. In a manner that would not have seemed possible before FLPMA, the Bureau of Land Management took charge of its lands and made hard administrative decisions that pointed to clear goals. The California Desert Plan introduced a higher level of management to the California desert.⁴³

The plan became the signal moment to articulate the differences between environmental and development positions. Conservationists were not thrilled with the BLM plan, with many regarding its objectives as at best tepid. Developers and their supporters were incensed at what they saw as a locking up of valuable resources, and several sued the government. As a result, the bureau conceded a number of conditions, including the resumption of the famed Barstow-to-Las Vegas motorcycle race. Throughout the 1980s, the National Park Service watched as BLM found

⁴³ Darlington, *The Mojave*, 8; Frank Wheat, *California Desert Miracle: The Fight For Desert Parks and Wilderness* (San Diego: Sunbelt Publications, 1999), 2-5.

itself under assault. Agency Director James M. Ridenour, President George H.W. Bush's appointee, worked to keep his agency out of the fray. An outspoken opponent of "thinning the blood," the practice of adding national park areas of lesser national significance, Ridenour expressed little interest in the addition of land affected by heavy multiple-use recreation. As a compromise and de facto protection against what he called the "heavier footprint" of BLM, Ridenour supported expansion and national park status for both Joshua Tree and Death Valley national monuments.⁴⁴

BLM's concessions to development forces prompted a powerful response from the energetic environmental community. During Watt's tenure as secretary of the interior, this constituency was easily outraged and typically mustered wide support. The "deserts as dumps" model seemed a relic of an earlier time, and while no one thought of the Mojave as one of the "last best places," as articulated in the 1980s environmental phrase to describe areas worth preserving, desert spaces had acquired their own powerful set of enthusiasts. A broad array of environmental groups beseeched U.S. Sen. Alan Cranston, D-Cal., who became incensed at the federal action and planned legislation to trump BLM. In 1985, Cranston sent Kathy Files, his chief of staff, to Death Valley to tour areas that his proposed legislation would add to the monument. Patty Hedges of the Wilderness Society accompanied Files, and many environmental groups joined to support Cranston's idea. In 1986, Cranston introduced S 2061, an attempt to create comprehensive protection for the eastern Mojave. Under this bill, called the California

⁴⁴ Charles F. Wilkinson and H. Michael Anderson, *Land Resource and Planning in the National Forests* (Washington, D.C.: Island Press, 1988), 64-65; 4; James M. Ridenour, *The National Parks Compromised: Pork Barrel Politics and America's Treasures* (Merrillville, Ind.: ICS Books Inc., 1994), 85-87; Hunter S. Thompson, *Fear and Loathing in Las Vegas* (New York: Random House, 1971), 47-79.

Desert Protection Act (CDPA), Death Valley National Monument would become Death Valley National Park, and its boundaries would expand by more than one million acres.⁴⁵

Death Valley National Monument held a complicated position during the battle for CDPA. Despite the bold outlines of the California Desert Plan, an unhappy history hamstrung the Bureau of Land Management. The agency almost always found itself in an untenable position, pulled between powerful forces, and in most situations, it bent to the most powerful force that exerted influence. Founded in the late 1940s as a replacement agency after U.S. Senator Pat McCarran of Nevada dismantled the U.S. Grazing Service, the BLM lacked a clear set of principles by which to manage the lands under its control until FLPMA. Its efforts to implement this new and broad law enraged the rural West, leading to the Sagebrush Rebellion's assault on BLM's very existence. This badly damaged the agency before the 1980 election. During the Reagan years, BLM's predicament worsened. Selected for their fidelity to free market principles, agency administrators routinely favored local interests over national ones. Its effort to find compromise led it to approve transfer of land to both Joshua Tree and Death Valley in its final *East Mojave Scenic Area Management Plan* environmental impact statement in 1988. Under the terms of the plan, Death Valley was to receive an additional 103,774 acres.⁴⁶

Already reserved as part of the nation's "sacred space," Death Valley National Monument was ancillary to the larger battle over the disposition of BLM land. That agency could use the monument as a way to assert that it served more than local interests in its attempt to mollify national constituencies while continuing to serve local ones. The monument provided environmental advocates with a powerful tool; any land that Congress added to Death Valley

⁴⁵ National Park Service, "Wilderness, Boundary Adjustments and Name Change to National Park Status," January 1993, 104th Congress Issues Briefing Statement, Death Valley archives; Superintendent's Annual Report, 1986.

enjoyed national park system protection, and became de facto “sacred space.” Although the real struggle aimed to determine permissible uses on BLM land, the monument offered a way around aggressive multiple-use constituencies. Additions to Death Valley were not subject to attacks from pro-development forces. Even more, national park status for Death Valley National Monument improved the chances for protection of the Mojave Desert in general. Any BLM land that the government could transfer to the national park system enjoyed not only the protection of national park area designation, but the tacit support of much of the public as well.

Questions of wilderness designation complicated the struggle for the CDPA. Under the Roadless Area Review and Evaluation process in the 1970s that resulted from the Wilderness Act of 1964, the government recommended almost two million acres of Death Valley for wilderness designation. Cranston’s original bill, S2061, affirmed the wilderness recommendation, a legislative decision that assured fierce opposition from development forces. By the mid-1980s, wilderness was a loaded concept, the single protection strategy that most incensed anti-environmental groups. The National Park Service retained some of its long-held ambivalence toward the concept of wilderness, in a number of cases still regarding the designation as impinging on management prerogative. In 1991, Congress updated the wilderness recommendations in CDPA to reflect the new climate. Throughout the CDPA process, park opponents such as Rep. James Hansen, R-Ut., a vehement opponent of the very concept of public land, focused on wilderness designation as a primary reason to fight CDPA. Although Death Valley Superintendent Edwin Rothfuss attempted to mollify the congressman, the very idea of

⁴⁶ Bureau of Land Management, *East Mojave Scenic Area Management Plan: Final Environmental Impact Statement* (Needles, CA: Bureau of Land Management, 1988), 1-14; Rothman, *The Greening of a Nation?*, 64-67.

wilderness made western representatives such as Hansen apoplectic.⁴⁷ Despite its value, wilderness provided a controversial counterpoint to the attempt to preserve the California desert.

Assessing the Impact of National Park Status

The National Park Service actively supported national park status for Death Valley for strategic as well as administrative and political purposes. After the 1979 passage of the Alaskan National Interest Lands Conservation Act, the park system's future seemed headed north. Alaska contained the largest and most spectacular remaining tracts of public lands, but building a nationwide constituency with a program to preserve Alaska proved difficult for the National Park Service. Traditional national parks became increasingly unattainable in the lower forty-eight states; after the establishment of the last three – Guadalupe Mountains, Redwoods, and North Cascades – in the late 1960s, finding even medium-sized tracts of spectacular scenic lands under federal administration in the continental United States ceased to be likely.⁴⁸ The greatest contiguous federal holdings were in the deserts, making the effort in the eastern Mojave crucial to agency aspirations to continue to grow in the lower forty-eight states.

At the local level, national park status resolved a number of issues for Death Valley National Monument. Increasing visitation, management concerns, and regional development outside the monument impinged on the proposed national park. Death Valley managed its considerable internal threats with aplomb, but it had little control over growth outside its boundaries. The more stringent protection and greater reverence that national park status offered were considerable attractions to monument officials. A larger land base would provide a considerable buffer to the most heavily used features of Death Valley, while the opportunity to

⁴⁷ Superintendent's Annual Report, 1986; National Park Service, "Briefing Statement: General Information, Death Valley National Monument"; Superintendent, Death Valley, to Regional Director, Region Four, Nov. 10, 1993, L1417 Central Files, Calif. Desert Protection Act, Death Valley archives.

control visitation inside the monument as well as the ecological circumstances of the larger region also offered advantages to management. National park status had been on oft-considered goal at Death Valley since the monument's establishment. CDPA provided the first genuine opportunity to achieve this objective.

Strong congressional support for national parks persisted throughout the Reagan Revolution during the 1980s, but the CDPA did not fare well. Despite Cranston's efforts, the initial version of the CDPA failed to emerge from the Senate committee reviewing it. Cranston reintroduced his bill in various forms during subsequent congressional sessions. During 1991, the House of Representatives passed a version of the CDPA, HR 2929. Its Senate companion bill, S 21, failed to reach the Senate floor. Sen. John Seymour, R-Cal., followed the Republican Party's anti-government platform, creating a procedural problem that buried the bill in committee. In 1992, a change in California's U.S. Senate representation gave the stalled project hope. Seymour lost his seat to former San Francisco Mayor Dianne Feinstein, a Democrat and desert partisan. In the same election, Barbara Boxer, another Democrat, replaced Alan Cranston, who departed the Senate in poor health after becoming embroiled in a savings and loan scandal in the late 1980s. Feinstein, whose political relationship with Cranston began in the early 1970s, quickly picked up the CDPA and became an active proponent of protecting California's deserts and enlarging Death Valley National Monument. However, Republicans continued to control the Senate, stifling action on the CDPA.⁴⁹

Passing CDPA

⁴⁸ Rothman, *Saving the Planet*, 149.

⁴⁹ National Park Service, "Wilderness, Boundary Adjustments and Name Change to National Park Status," briefing statement, January 1995; Superintendent's Annual Report 1986, Death Valley archives; James Richardson, *Willie Brown: A Biography* (Berkeley: University of California Press, 1996), 160; Eleanor Fowle, *Cranston: The Senator from California* (San Rafael, Calif.: Presidio Press, 1980), 15-27.

In 1994, after two more years of political maneuvering and nearly nine years after Cranston's first bill, Congress finally enacted the California Desert Protection Act (P.L. 103-433). Although Sen. Malcolm Wallop, R-Wy., filibustered the bill, Feinstein obtained sufficient Republican support to the Democratic vote to assure its enactment. Passed just before the congressional elections of 1994, when voters swept into office the "Contract with America" Republican Congress, the bill was a conventional conservation bill. What made it unique was the quantity of land involved – by any federal land management standard, four million acres was considerable – and the fact that the land was in the desert. The sheer quantity of land created possibilities that never before had existed. The act tripled national park and wilderness acreage in the southern and eastern parts of California, to more than nine million acres. The total was almost as large as the states of Massachusetts, Connecticut, and Rhode Island combined. National Park Service holdings increased by more than three million acres; Death Valley added 1.2 million acres and became a national park, as did Joshua Tree, which grew by 234,000 acres. After the CDPA, Death Valley National Park joined the park system at 3,336,000 acres, by itself nearly twice the size of Delaware. The resulting national park was truly massive; describing the new boundaries required sixteen typed pages. The CDPA also established an entirely new unit of the national park system: the 1.6 million-acre Mojave National Preserve, an area formerly managed by the Bureau of Land Management as the East Mojave National Scenic Area. In addition, the CDPA designated sixty-nine new wilderness areas on lands administered by the bureau. Congress designated approximately 95 percent of the expanded Death Valley National Park as wilderness, as well as half of Mojave National Preserve and Joshua Tree National Park.⁵⁰

⁵⁰ James V. Hansen to Edwin Rothfuss, Oct. 27, 1993; Rothfuss to Hansen, Nov. 10, 1993; Superintendent, Death Valley, to Director, National Park Service, June 1, 1994; Death Valley National Park, boundary description, May 1995, all L1417

The bill's passage, a response to the growth of the postwar era and the end of the de facto preservation that had long been an advantage of remote location, created a new order in the California desert. As technological innovation made the desert accessible and millions of people moved closer to it, its comprehensive preservation became a necessity. The nine years that elapsed between CDPA's initial proposal and the final bill indicated the degree of difficulty involved in the process, but the bill's passage, especially by a Republican-controlled Senate, spoke volumes about the ongoing public commitment to the preservation of the national natural legacy. Even the desert now belonged in the pantheon of the American spectacular.

With the creation of Death Valley National Park, the National Park Service gained not only more land, but more complicated management obligations. De facto preservation ceased to be a viable alternative, compelling new strategies within the former monument as well as on the new lands. The National Park Service faced not only traditional organization issues such as resource management and wilderness, but also the impact of enormous regional growth. The Mojave Desert had become a very full place.

The CDPA also created an even greater need for interagency cooperation in the Death Valley area. The ascent to national park status, the creation of the Mojave National Preserve, and the reassignment of Bureau of Land Management acreage to the national park system helped foster joint planning and management. The requirement to manage lands for wilderness, long anathema to some in the recreational user community, brought different agencies further together. Because of the new legislation, the agencies operated in each other's spheres and BLM

Central Files, Calif. Desert Protection Act, Death Valley archives; Wheat, *California Desert Miracle*, 297-303; Harlan D. Unrau, *A History of the Lands Added to Death Valley National Monument by the California Desert Protection Act of 1994* (Washington, D.C.: National Park Service, 1997), 4-9.

and the National Park Service reached accommodation about long-term planning in the Eastern Mojave.⁵¹

The interagency planning effort that resulted became a model for federal land management in the twenty-first century. As a result of CDPA, the government assembled an interagency planning team to orchestrate the subsequent twenty years in the desert. Planners utilized the desert as a pilot project of the National Performance Review for ecosystem management and planning. The Mojave Desert became, in the words of then-Vice President Al Gore, an “innovative management laboratory,” where scientists and managers could plan and implement long-term ecosystem management.⁵² An extended process created a blueprint for managing the region in the twenty-first century and proved the fundamental necessity of interagency cooperation.

By the beginning of the twenty-first century, the National Park Service and its many neighbors in the California desert had reached a new level of accommodation. Although each land management entity had its own goals and objectives, most understood that interdependence demanded cooperation. Staffing, distance, and statutory obligations combined to make partners of the desert institutions. Despite disagreements and even an occasional fracas, the counties, agencies, and even the peoples of the region recognized a form of enlightened self-interest. Together they could make the burdens of managing the desert just a little easier on everyone – and on themselves as well.

In this respect, the establishment of Death Valley National Park was the beginning of a process of management, not its completion. National park status, along with the acreage included

⁵¹ Wheat, *California Desert Miracle*, 158-303.

⁵² “New National Preserve Embraces NRS Site,” University of California Office of the President, 1996; Wheat,

in the new wilderness designation, conveyed higher status and new dimensions of management obligation even as it brought closer agency scrutiny to the complex problems of desert park management. From CDPA, federal managers in the desert moved forward in the spirit of cooperation and compromise. For each agency and for the lands it managed, the new situation offered important benefits.

California Desert Miracle, 287-304; Wilkinson and Anderson, *Land Resource and Planning in the National Forests*, 64-65, 233-37

Death Valley National Monument



Development on patented claim, Borazo No. 1, Kern County Land Company. Site was two miles northwest of Ryan, California. Photograph taken in 1962.



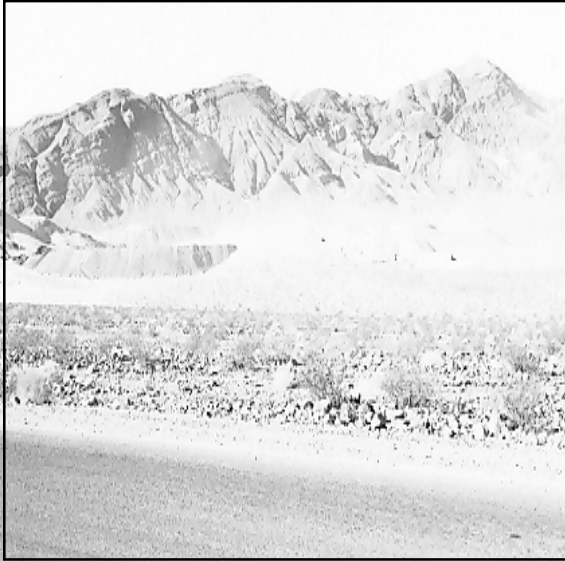
Tenneco Inc. mining site, three miles northwest of Ryan. Photograph taken in 1970.

Death Valley National Monument



A holding pond next to a tailings dump at the Tenneco mining site. Photograph taken in 1971.

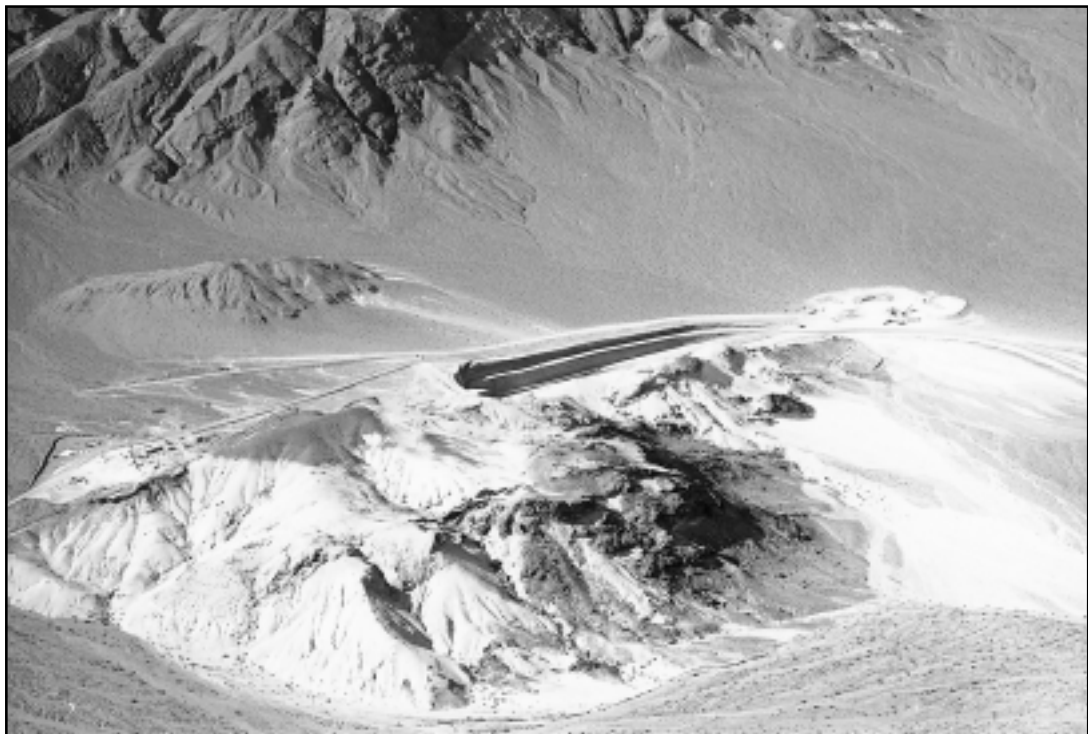
Death Valley National Monument



Waste dumps from the Boraxo Mine, as seen from Highway 190. Photograph taken in 1975.



Sigma Mine, in upper Furnace Creek Wash, operated by Tenneco Inc. Photograph taken in 1975.



The Tenneco mining site, inside Death Valley National Monument. Photograph taken in 1972.

Chapter 4:

Administering Death Valley

Throughout its history, Death Valley National Monument and its successor, Death Valley National Park, struggled in the national park system. The unique characteristics of desert management required greater creativity and broader thinking than that needed at most national parks. A characteristic lack of resources for Death Valley's and its programs and the parallel absence of respect for desert features in the National Park Service limited the site's development. "It is a fair assessment to say that this park has been neglected," observed Superintendent J.T. Reynolds in 2002, echoing a long line of Death Valley superintendents.¹ Three generations of park personnel battled the interrelated quandaries that arose from these issues of resources and respect. In the process, they fashioned a park that complied with agency standards and served the public mostly as a direct result of the staff's commitment. The persistence, professionalism, and commitment of those who lived and worked in the harsh desert conditions directly contributed to the success of management at Death Valley.

Two distinct eras defined Death Valley's administration. From its establishment as a monument in 1933 until the 1970s, Death Valley remained a relatively remote area. Consigned to the national monument category, a de facto indication at that time of lesser significance within the National Park Service, Death Valley typically received inadequate resources, establishing a precedent for agency neglect. Its staff remained small even by national monument standards and funding lagged. Despite dedicated professionals who sought to create a national park experience

¹ J.T. Reynolds, interview by Hal K. Rothman, July 25, 2002.

for visitors while complying with and even exceeding the agency's expectations for resource management and other dimensions of administration, the monument's remote location provided a major component of its protective strategy. Its immense size and difficult and often brutal climate provided constant challenges, as did the plethora of land claims within its boundaries and the variety of competing interests for resources. As long as Americans feared the desert and regarded it with disdain, the lack of resources impeded management, but only in limited ways. The monument could not accomplish all of the strategic objectives its planners established, but the great expanse of desert, difficult if not impossible access to vulnerable places within its boundaries, and relatively sparse visitation assured the informal protection characteristic of many southwestern areas at the time.

Because of such factors, Death Valley National Monument developed slowly. Between 1933 and the 1960s, the monument remained an afterthought, separate from the main direction of National Park Service planning and strategy. It benefited from the New Deal as did most other national park areas, but beginning in World War II and continuing for nearly two decades afterward, the monument received only intermittent attention. The agency's focus in the immediate post-war era was the classic turn-of-the-century preservation of spectacular scenery advocated by the public and two generations of National Park Service leadership, best represented in that era by Newton B. Drury, its director from 1940 to 1951. Conrad L. Wirth, who led the agency from 1951 to 1964, favored capital development and visitor access. High on his list of priorities were accessible parkways for park visitors. Death Valley fit neither philosophy, and the National Park Service left the monument to fend for itself until changes in

national culture made it impossible to deny its significance any longer.²

During the 1960s, the situation at Death Valley began to change. Greater National Park Service attention to ecology after the 1963 Leopold and Robbins reports, which advocated a more prominent role for science in agency planning, demanded a reassessment of the agency's perspectives. The increase in population adjacent to Death Valley heightened the need for real, rather than just tacit, protection. By 1970, suburban sprawl in California, technological innovations such as air conditioning for vehicles and buildings, improved hiking and camping equipment, and changing cultural perceptions of the desert pushed annual monument visitation above 500,000. The environmental revolution added new mandates and responsibilities that applied to Death Valley as well as national parks. As a result, Death Valley gained significance; regional office staff and the National Park Service's Washington office now had to address statutory obligations and more comprehensive administrative dictates. The National Park Service's shift toward an ecological understanding of its obligations enhanced the significance of the desert in general and Death Valley in particular.

The Importance of Scenery

At its establishment, its remote location, difficult access, and extreme climate guaranteed that Death Valley remained on the national park system's fringes. Despite the monument's direct ties to the National Park Service's first two directors, it had little claim on the agency's typically limited resources and even less on the nation's imagination. In the 1930s, the National Park Service still followed the model that Stephen T. Mather, the agency's first director, initiated: parks became important because they possessed conventional spectacular

² Alfred Runte, *National Parks: The American Experience* (Lincoln: University of Nebraska Press, 1987) 2nd ed., 149-50; 171-80; Richard Sellars, *Preserving Nature in the National Parks* (New Haven: Yale University Press, 1997), 149-63; 181-

scenery and because influential people thought them significant representations of the nation. By the day's standards, Death Valley did not rank on the first count. After Mather's death in 1930 and the 1933 departure of his successor, Horace Albright, from the agency, it was far harder to make the claim on the second. While spectacular, Death Valley lacked the tall trees and scenic grandeur that had become iconic in the national park system. The monument's annual visitation infrequently included the influential people who influenced national park policy. Across California, Yosemite and the other major national parks drew most of the political focus. Even Albright's ongoing support after he left the National Park Service could not counteract such dramatic disadvantages.³

Nor was Death Valley National Monument characteristic of the monuments that typically received support during the 1920s and 1930s. The leading national monument advocate, Frank "Boss" Pinkley of the Southwestern National Monuments Group, regarded archaeological areas as the most significant national monuments. He paid little attention to natural areas, even those inside his regional grouping. In general, national monuments received less attention than national parks unless Congress had slated them for reassignment to national park status. Pinkley looked at the California desert with little enthusiasm. Death Valley National Monument simply did not have the features that made national monuments attractive to him.⁴

Despite its various handicaps, Death Valley National Monument entered the park system at the ideal moment in national park history. The National Park Service became one of the principal beneficiaries of President Franklin D. Roosevelt's New Deal, the array of programs

95; Conrad L. Wirth, *Parks, Politics, and the People* (Norman: University of Oklahoma Press, 1980), 287-95.

³ Donald C. Swain, *Wilderness Defender: Horace M. Albright and Conservation* (Chicago: University of Chicago Press, 1970), 311-12; Robert Shankland, *Steve Mather of the National Parks* (New York: Alfred A. Knopf, 1953), 276-78.

implemented to combat the Great Depression and the malaise that spread over U.S. society after 1929. New Deal funds came at a propitious moment for the National Park Service. Agency leaders had gone as far as possible with the limited resources of the 1920s and had exhausted their cachet with congressional appropriations committees. Better service for park visitors and improved resource protection required greater government expenditures; Mather had clamored for more funds almost from the day Congress founded the National Park Service. During the 1920s, the agency improved its position in no small part because of the director's adroit manipulation of Congress and the gifts of his many friends and business associates. A two-tiered system resulted, in which national parks, especially large scenic western parks, thrived, and national monuments lagged unless Congress slated them for a change in status. As national parks received new roads, buildings, and staff during the 1920s, monuments and their managers typically experienced nothing but frustration. The New Deal and its Civilian Conservation Corps (CCC) rectified this disparity. Every category of national park area received greater resources than ever before. For national monument custodians and superintendents, the change proved particularly exciting.⁵

Death Valley National Monument's remote status affected every dimension of its early management. In an era when most national parks and even some national monuments still communicated directly with the National Park Service's headquarters in Washington, D.C., Sequoia National Park administered the new monument. Until 1938, Sequoia's superintendent, Col. John R. White, served as acting superintendent at Death Valley, giving the monument a

⁴ Hal K. Rothman, *Preserving Different Pasts: The American National Monuments* (Urbana: University of Illinois Press, 1989), 128-44.

⁵ Rothman, *Preserving Different Pasts*, 162-86; Hal K. Rothman, "Second-Class Sites: The National Monuments and the Growth of the Park System," *Environmental Review* 12 2 (1986), 41-60.

seasoned National Park Service veteran to guide it. Conversely, White's obligations at Sequoia limited the time he had for the new monument. The absence of funding further accentuated the new unit's peripheral position. President Herbert Hoover designated the monument during his lame-duck period, establishing it without a budget. It did not receive any funding until the following fiscal year. In a move that reflected the early dependence of the National Park Service on its allies, the National Park Service asked Pacific Coast Borax to fund an agency representative at Death Valley until federal money became available. In the meantime, White administered both parks.⁶

Unlike many of his contemporaries, White recognized national park potential in Death Valley. The combination of desert features, spectacular vistas, and the natural solitude that the National Park Service typically sought in its areas provided the raw materials from which the agency so skillfully worked. There were serious challenges, White acknowledged, but Death Valley offered the National Park Service something special. "It will be in the front ranks of the parks," he told Albright after his April 1933 inspection tour, "with Grand Canyon, Yosemite and Yellowstone – and Sequoia." Unusual on its surface, such an observation marked White as one who could see well beyond the present circumstances. The canny superintendent recognized how to succeed in the park system. His objectives required implementation of a comprehensive park infrastructure.⁷

Within a month of his appointment, White assessed his options and planned the monument's development. "The principal thing to do at first," he advised Albright, "is to get some check on the travel and put up a few signs." White traveled the roads in the vicinity of the

⁶ Director, Department of the Interior, to Colonel John R. White, March 3, 1933, Situation Reports, A2623 38-32, Death Valley archives.

monument, including Wingate Pass, which provided the lowest elevation route from Los Angeles, to assess the viability of a road-building program. The monument existed in a relatively crowded neighborhood; mining claims and private roads dictated the prevailing patterns of travel. The National Park Service had encountered many similar situations by the 1930s, and its ability to implement its goals depended to a large degree on defining visitor experience and providing services when travelers arrived.⁸ In this respect, Death Valley presented genuine challenges.

Immediately after the monument's founding, travel already exceeded National Park Service expectations. During the first winter season in 1933, more than 3,000 vehicles and 9,000 people registered at Death Valley's three main entrances – Furnace Creek Inn, Eichbaum Toll Road, and Scotty's Castle. Furnace Creek Inn alone registered 22,377 visitors that winter. Stunned by the totals, White recognized the roots of a possible crisis. White was certain that the number of vehicles would only increase. The National Park Service needed a strategic development plan. White requested graders, dump trucks, and the personnel necessary to improve existing roads inside the monument. His staff surveyed new routes for travel, but the limited National Park Service budget offered few ways to solve this dilemma of missing services.⁹

On-site personnel at the monument posed another issue for White. He could devote only limited time to Death Valley and could not be present with any regularity. To support his work, White retained M. French Gilman as the monument's first custodian. Gilman was knowledgeable

⁷ John White to Director, National Park Service, April 7, 1933. Situation Reports, A2623 38-32, Death Valley archives.

⁸ John White to Director Horace M. Albright, March 26, 1933, Situation Reports, A2623 38-32, Death Valley archives.

about the flora and fauna of Death Valley and had shown considerable interest in the area. New to government employment and the region, Gilman had no role in existing disputes between upper valley residents and Pacific Coast Borax, a key promoter of increased visitation. Helene Eichbaum and Walter “Death Valley Scotty” Scott both resented the borax company’s shift to tourism, feeling that their prerogatives had been usurped. White thought Gilman’s appointment would prove an asset. The intense rivalries among residents made it crucial for the National Park Service to appear impartial. Although the early national monuments typically recruited custodians from their immediate areas, White thought that an outsider was a better choice for Death Valley.¹⁰

Bifurcated administration marked the initial year. Custodian Gilman served as on-the-ground authority at the monument and White shaped policy and provided leadership from Sequoia National Park. White recognized that Death Valley’s size and the complexity of managing its resources required more than a custodian. In the National Park Service during the 1930s, custodians typically remained the vaunted “dollar-a-year men,” volunteers from nearby communities who served in a part-time capacity. At Death Valley, such an arrangement simply did not work, and White did his best to rectify it with the limited resources at his disposal. For a time, Ranger Thomas J. Williams, a naturalist from Sequoia National Park, joined Gilman at Death Valley in an effort to share the daily workload.¹¹

The CCC and Death Valley

White’s need for resources dovetailed with Roosevelt’s New Deal, the comprehensive

⁹ Death Valley National Monument Resume for the Year Ending Sept. 30, 1933, Death Valley archives; Final Annual Reports to Chief Architect and Monthly Reports to Chief Architect, 1933-1940, Death Valley files, Box 271 History, National Archives and Record Administration, Pacific Region—San Bruno (hereafter NARA—SB).

¹⁰ Final Annual Reports to Chief Architect and Monthly Reports to Chief Architect, 1933-1940.

array of governmental efforts to revive flagging national economic fortunes that turned some federal agencies into de facto work relief programs. The National Park Service recognized this formulation as a solution to many of its woes. Among the programs introduced during Roosevelt's famed 100 Days was the Civilian Conservation Corps, which provided employment for single men between the ages of eighteen and twenty-five. It answered the National Park Service's resource and workpower dilemmas. Directed by the Emergency Conservation Work (ECW) program, the CCC enabled the federal government to take thousands of unemployed men and offer them income, room and board, medical attention, educational opportunities, and practical job training. In return, the men performed needed jobs, including conservation work in federal and state forests and parks.¹²

As did most national park areas, Death Valley benefited greatly from its CCC work force. Within weeks of the program's establishment, the National Park Service authorized the construction of two camps, at Funeral Range and Cow Creek, to house CCC enrollees. T.R. Goodwin, an engineer from Sequoia who assisted White at Death Valley, had reviewed the original selections, Mesquite Spring and Bennett Wells, and suggested a more central location and a shorter distance between the two camps. Located on either side of Cow Creek Wash, four miles north of Furnace Creek, the two camps were proximate to most of the activity in the monument's southern half.¹³

Securing enrollees for Death Valley often was a struggle. Despite the terrible

¹¹ Memorandum for the Regional Director, Region Four, Jan. 3, 1948; Death Valley Monument: The Past Year (1934), Death Valley archives.

¹² John C. Paige, *The Civilian Conservation Corps and the National Park Service, 1933-1942: An Administrative History* (Washington, D.C.: Department of the Interior, National Park Service, 1985), 10-19; John Ise, *Our National Park Policy: A Critical History* (Baltimore: Johns Hopkins University Press, 1960), 360-64.

¹³ Final Annual Reports to Chief Architect, 1933-34; 1934 Annual Report; Historic Sketches – DEVA Superintendents, Death Valley archives.

circumstances of the time, when as much as 25 percent of the nation's work force was unemployed, the National Park Service competed with other federal agencies for CCC workers. The National Park Service faced a difficult situation; because of shifting requirements, it sometimes had to move enrollees from one park to another. The ECW originally directed the monument's first CCC contingent to transfer from Sequoia National Park. The influential agency director Horace M. Albright was incensed. He opposed moving camps from one park area to another on principle, seeing this as an admission of weakness. As he departed the National Park Service for the American Potash Company in August 1933, Albright used his considerable influence to divert CCC enrollees from the Forest Service, securing authorization to reassign two companies from the San Bernardino National Forest to Death Valley.¹⁴

The first of these units, CCC Company 530, more than 200 men from Ohio and Kentucky, arrived at Death Valley on Oct. 6, 1933. They were a vanguard group, detailed to build the two camps that became the home of the CCC at the monument. Company 530 prepared the first camp within two weeks, and they and the men of the newly arrived Company 529 occupied Camp Funeral Range on Oct. 21, 1933. Eight nights later, just one day before Company 529 was scheduled to occupy Camp Cow Creek, a severe windstorm blew down every tent and other structures in the cleared area near Cow Creek Wash. Afterwards, Superintendent White authorized the construction of permanent barracks. CCC men wasted little time in building their own housing. Work crews finished the barracks by mid-November 1933, and the second company joined the first in the new quarters.¹⁵

¹⁴ "Report to the Director on Emergency Conservation Work at Death Valley National Monument, March 4-6, 1936," Box 270, File 101 DEVA Historic Sites, Death Valley NP files, NARA-SB.

¹⁵ Ibid.; T.R. Goodwin, "How the CCC Built Death Valley National Monument," DEVA Cat 62293, Death Valley archives.

Once in place, the CCC facilitated the early development of Death Valley. Within a very few years, the monument offered the same kinds of facilities as did other National Park Service areas. The CCC enrollees not only contributed physical labor, constructing and paving roads, building facilities, and undertaking other infrastructure projects that made Death Valley more accessible to visitors and more habitable for monument staff, but they also provided the staffing for daily operations. Enrollees handled clerical positions, performed shop work, and operated and maintained radio and telephone systems, tasks typically within the purview of regular National Park Service staff. In addition, CCC workers manned entrance stations, furnished visitors with information, gave directions, checked visitors in and out of camping and picnic areas and other parts of the monument, and served as guides. A permanent sign crew provided the monument with roadside markers, a timely addition that gave Death Valley the feel of the era's largest national parks.¹⁶

Administering the CCC proved a difficult task for the short-staffed monument. Goodwin served as de facto superintendent at Death Valley, but often was the only regular National Park Service person who supervised the ECW program. As at many National Park Service areas, the CCC operated independent of the monument. Goodwin struggled in an administrative system that let him maintain nominal control but did not facilitate direct supervision of CCC work. He sought greater oversight, but simply could not be everywhere all the time. In response, Goodwin attempted to decentralize Death Valley operations. He appointed an acting superintendent for each CCC camp, and for administrative purposes let each company retain separate designations. All the companies shared a general warehouse and service garage, but the monument retained

¹⁶ National Register of Historic Places, "Residential, Administrative, Maintenance and Visitor Use Facilities in Death Valley National Monument Built by the Civilian Conservation Corps"; 1937 Annual report; Final Annual reports to Chief

overall control of activities. Goodwin and his staff, rather than the individual companies, determined the importance of the various projects and assigned equipment accordingly. Foremen and the monument staff worked together to transfer equipment and operators between companies as necessary.¹⁷

Under the circumstances, Goodwin's solution was the best the monument administrators could devise. Alone and with a large pool of labor with limited supervision, he recognized that he could neither entirely control CCC activities nor allow its foremen to independently manage Death Valley's development. Goodwin's plan, which gave the CCC control of the men but maintained scheduling of projects and assignment of equipment in his own hands, allowed him significant oversight. The system he established worked well, and it enhanced Goodwin's confidence in the CCC.

As the CCC increased in size, national participation in the federal work program allowed the monument to restrict its enrollment to California residents. Easterners were common in western camps throughout the CCC, but over time, the composition of enrollees in most areas tended toward a local and regional makeup. The shift came quickly at Death Valley. The Kentucky and Ohio companies left after the first six-month enrollment period. Two companies from New York and New Jersey also left after their six-month stint. Members of the out-of-state companies complained of being far from home, and the resulting loneliness led to increased numbers of disciplinary problems. As the May 1935 enrollment period began, the National Park Service restricted Death Valley CCC enrollment to California residents. White and Goodwin agreed that this policy would eliminate morale problems. Men from Los Angeles, Riverside,

Architect, all Death Valley archives.

¹⁷ John White, "Death Valley National Monument: The Past Year (FY 34)," Death Valley archives.

Orange, and San Bernardino counties in southern California made up subsequent companies.

They were accustomed to the desert and were close enough to home to be satisfied by weekend and three-day passes.¹⁸

The arrival of Company 908, a Ninth CCC Corps unit from southern California, initiated the new policy at Death Valley National Monument. The first California-based company to serve at the monument for an entire one-year period, Company 908 built the third permanent CCC camp, at Wildrose. The crews occupied Wildrose when the heat at Cow Creek Wash became unbearable. Most enrollees alternated between Wildrose and Cow Creek every six months, with a detachment of technicians staying at each vacated camp on a year-round basis. The monument planned Camp Panamint, a fourth CCC camp, for a site at Emigrant Spring, but the National Park Service decided another full camp was unnecessary. Emigrant Spring instead became an ancillary camp. Death Valley later added more side camps, including Confidence Mine, Leadville, Mesquite Spring, Keane Spring, Telescope Notch, and Eagle Borax Spring.¹⁹

The CCC also built the initial monument headquarters at Cow Creek. During 1939 and 1940, two companies worked on the structure, a typical “parkitecture” building. It was low slung and made from adobe, with a pillared front porch in the desert Southwest style. It housed the superintendent and other administrative offices, providing a center for National Park Service activities at the monument. In its location away from the existing tourist facilities at Furnace Creek, the Cow Creek headquarters was characteristic of the early National Park Service. The agency sought to differentiate itself from commercial tourist providers, secure in the belief that

¹⁸ 1934 Annual Report; Final Annual Reports to Chief Architect and Monthly Reports to Chief Architect, 1933-1940.

¹⁹ National Register of Historic Places Multiple Property Documentation Form, “Residential, Administrative, Maintenance, and Visitor Use Facilities in Death Valley National Monument Built by the Civilian Conservation Corps,” Death Valley archives.

the traveling public appreciated its standards and the service it provided. In some cases, these assumptions proved correct. In many others, such as Death Valley, the physical distance between park headquarters and the Furnace Creek operation only served to enunciate the reality that two entities, public and private, offered visitor services of different kinds at the monument.²⁰

The CCC remained a part of Death Valley's infrastructure development for as long as the ECW program existed. At the start of Enrollment Period 9 in April 1937, Goodwin requested the assignment of a permanent company to Death Valley. After National Park Service and CCC district headquarters agreed, agency foremen and supervisors pursued CCC goals as well as their own. The CCC provided enrollees with practical skills that could help them find work outside the federal program. As CCC men re-enrolled in subsequent periods, monument staff worked with the same men during successive terms, and a significant percentage of enrollees stayed. In one instance, on May 15, 1937, Company 912 arrived for permanent duty at Death Valley. Known as the "tramp company" of the CCC, Company 912 had moved every six months, resulting in continuous turnover and attendant chaos within the unit. Death Valley proved hospitable for Company 912, and its retention rate improved. It remained in Death Valley until 1942, when Congress terminated the CCC program. A reduced turnover rate in such CCC companies helped the National Park Service. Experienced workers completed projects without the disruption of desertions, discharges, and training problems, and established continuity in their personal lives that led to long-term stability. Like many New Deal programs, the temporary employment provided by the CCC often pushed enrollees into government careers. Many from the Death Valley National Monument camps later worked for the National Park Service as

²⁰ Annual Report for 1939, Death Valley National Monument; Annual Report for 1940, Death Valley National Monument, Death Valley archives; Ethan Carr, *Wilderness By Design: Landscape Architecture and the National Park Service*

technicians, supervisors, foremen, or park rangers.²¹

In the 1930s, the CCC became Death Valley's mainstay. It alleviated the shortage of labor and resources that accompanied the monument's establishment and provided a backbone for operations throughout its first decade. When facility development took place in the 1930s and early 1940s, CCC workers usually could be found doing the work. Their efforts played a significant role in building Death Valley and in its development as a unit of the national park system; without the men working under the Civilian Conservation Corps program, Death Valley would have remained even more isolated and underdeveloped until well after World War II.

The CCC provided the labor, but the monument needed more than simple capital development. A comprehensive administrative system was essential to Death Valley's development. During the monument's first decade, the National Park Service did not provide sufficient resources. White and Goodwin had to scrape for anything beyond the CCC allocation. They routinely complained of an inability to fund positions, a problem that became worse as the CCC tenure ended during World War II. Serving the traveling public demanded more resources than Death Valley possessed. Land issues also vexed managers. Inholdings and existing mining claims and processing activities continued, requiring an agency response. The park needed planning for the future, an increasingly crucial part of agency strategy in the post-war era.²²

Administering the Monument

By the end of the war, Death Valley had its planning program well under way. White had developed an initial administrative plan, the monument's first substantial organizational

(Lincoln: University of Nebraska Press, 1998), 254-88.

²¹ Paige, *The Civilian Conservation Corps and the National Park Service*, 79-93.

²² Annual Superintendent's Report 1934, Death Valley archives; White to The Director, May 18, 1934, Situation Reports A2623, 38-31, Death Valley archives.

effort, in the winter of 1934. It created a chain of command with Goodwin in charge, functioning as both park engineer and administrative chief. The plan assigned responsibility for landscaping to John H. Bergen, protection to acting Chief Ranger Tom Williams, and education to Donald Curry, one of the CCC foremen. The National Park Service had not yet assigned a wildlife technician to Death Valley, but White held out hope to eventually obtain funding for the position. A small staff meant multiple responsibilities, a reality well known to early National Park Service personnel. It also meant that the monument depended on the new regional office in San Francisco for more specialized services after its founding in 1937.²³

With the implementation of the 1934 administrative plan, Goodwin took charge of the monument. Between 1934 and 1937, Goodwin managed Death Valley and its capital improvement projects, and White praised his deputy's work in each annual superintendent's report. In acknowledgment, Director Arno B. Cammerer appointed Goodwin as Death Valley's superintendent in April 1938, ending the monument's direct affiliation with Sequoia National Park and suggesting that both the monument and Goodwin's status were on the rise in the National Park Service. Until the end of World War II, few national monuments had superintendents; "custodian" was the title of most of the administrators of such units, many of whom were unpaid volunteers. By the end of the 1930s, most monument managers had become paid employees who remained saddled with the arguably demeaning title.²⁴

In the 1930s, national monuments led by superintendents often were candidates for a change to the more prestigious national park status, and much at Death Valley portended such a

²³ "Administrative Plan for Death Valley National Monument, Season 1935-1936," March 1, 1936, D18 Administration, DEVA Files Misc., 1933-1941, Death Valley archives; Barry Mackintosh, *The National Parks: Shaping the System* (Washington, D.C.: Department of the Interior, 1991), 44-46.

²⁴ Rothman, *Preserving Different Pasts*, 33-67.

transition. Goodwin served as the on-site, year-round administrative chief, able to implement monument goals with adequate amounts of CCC labor. Williams served as chief ranger, Gilman undertook botanical research, and Donald Curry was a naturalist and the monument's interpreter. Major structural improvements for visitors, including the grading and oiling of 300 miles of roads, took place under Goodwin's supervision. Visitation in 1937 exceeded 50,000, a number that attracted the National Park Service's attention and enhanced consideration of Death Valley for national park status. Goodwin's appointment as superintendent seemed to portend better times for the monument.²⁵

After World War II, a redistribution of wealth in U.S. society gave greater numbers of people the means to travel. In the West, new and better roads often built to facilitate wartime industries served previously inaccessible places, and travelers followed in growing numbers. The Grand Canyon epitomized this change starting in late 1945, when visitation totals reached new highs each month as discharged military personnel and war workers made their way home after spending the war overseas or in California. The increase continued throughout 1946, as the stream of workers heading home became a feature of western highways.²⁶ This movement served as both a precursor and a catalyst of the growth of western tourism.

The traveling public soon represented a broader spectrum of national society. New travelers reflected the changes in American expectations. Within a few years of the war's end, most Americans enjoyed greater disposable income and more vacation time. A combination of affluence, pent-up demand for leisure after a lean period of more than fifteen years, and new

²⁵ Annual Report, Death Valley National Monument, 1936; Annual Report, Death Valley National Monument, 1937, Death Valley archives.

²⁶ Monthly Report, Grand Canyon National Park, August 1945; Monthly Report, Grand Canyon National Park, September, 1945; Monthly Report, Grand Canyon National Park, October 1945, Series 7, Grand Canyon, RG 79, NA.

cultural mores that stressed access to a wider intellectual and conceptual world as part of the pleasures of middle-class life, heightened tourism's importance. National parks served as iconic symbols of U.S. middle-class status. Western parks especially experienced voluminous increases in visitation, spurred not only by travelers from elsewhere, but by the enormous expansion of western population that started during the war years and continued to grow in its aftermath.²⁷

The spread of automobile ownership simultaneously strained the limits of federal and private tourist operations, which had been established to handle much smaller numbers of visitors. Automobiles brought a new generation of travelers in search of individual freedom and authentic experience. Owning a car became a badge of middle-class status, and the annual two-week summer vacation in a car became first a requirement of middle-class life and then a caricature of itself. Millions of people, suddenly unimpeded by wartime sacrifices and bolstered by the booming postwar economy, took to the roads in search of their national heritage. National park visitation nationwide increased yearly in the decade after 1945. Between 1941 and 1955, visitation rose 236 percent, reaching a record of more than 50 million people in 1955.²⁸

The demand for recreation in national parks and forests also soared, and the National Park Service could not keep pace. Not only were available campsites as rare as the American bald eagle, but uncollected garbage typically covered existing campgrounds, which were surrounded by timber stumps illegally cut for firewood and other eyesores. It was as if the protection ethos the National Park Service worked so long to establish had disappeared in the

²⁷ Eric Goldman, *The Crucial Decade – And After: America, 1945-1960* (New York: Random House, 1960), 4-5, 12-15; John A. Jakle, *The Tourist: Travel in Twentieth Century North America* (Lincoln: University of Nebraska Press, 1985), 185-98; Bernard DeVoto, "The National Parks," *Fortune* XXXV (1947), 120-21; Bernard DeVoto, "Let's Close the National Parks," *Harper's Magazine* CCVII (1953), 49-52; Robert D. Baker, Robert S. Maxwell, Victor H. Treat, and Henry C. Dethloff, *Timeless Heritage: A History of the Forest Service in the Southwest* (Washington, D.C., 1988), 59-68, 131-33; Ronald A. Foresta, *America's National Parks and Their Keepers* (Washington, D.C.: Resources For the Future, Inc., 1984), 50-55.

²⁸ Foresta, *American National Parks and Their Keepers*, 50.

war. The situation became so dire that noted author and professional iconoclast Bernard DeVoto recommended closing the national parks if they could not be better managed.²⁹ High levels of visitation and the inevitable impacts of so many visitors were echoed at Death Valley.

With the exponential rise in visitation, the National Park Service reached a crossroads. Since its 1916 founding, the agency wavered between promoting tourism at every opportunity and building a nascent structure to manage resources. The tourism strategy, crafted by Mather, brought people to the parks, an end that translated into increased congressional support for the national park system and ensured the survival of the agency and the parks it managed – albeit sometimes in a heavily used form. This approach worked well through the 1930s, especially with the support of the CCC, allowing a broader management focus in the postwar era. Combined with a new generation of college-educated natural scientists with their G.I. Bill-funded educations, the existing infrastructure created the context in which scientific management could flourish. The general post-World War II affluence and new technology also changed national patterns in recreation. The National Park Service could not anticipate the way such factors as greater affluence and more leisure time translated into dramatic increases in park and monument visitation. The public, DeVoto and others noted, loved the parks to death. The shift resulted in exponentially greater pressure on park areas and especially on units such as Death Valley.³⁰

The situation quickly became dismal at Death Valley National Monument. CCC development had been the benchmark at the monument, but growth happened so quickly that the old standards became obsolete. A planning initiative in the early 1950s culminated in a new

²⁹ DeVoto, “Let’s Close the National Parks”; David A. Clary, *Timber and the Forest Service* (Lawrence: University Press of Kansas, 1986), 151-55.

³⁰ DeVoto, “Let’s Close the National Parks”; Rothman, *Devil’s Bargains*, 202-04; Sellars, *Preserving Nature in the National Parks*, 100-42.

master plan in 1953, but the National Park Service could not provide adequate resources to support it. When Fred W. Binnewies arrived as superintendent in 1954, he found a monument with severe problems. Facilities, especially housing, were inadequate and staff morale was low. Death Valley lacked a dependable power supply, a dangerous predicament in the desert, and water and sewer systems were dilapidated. CCC-era construction had been flimsy in many cases, and the desert caused much of it to deteriorate. In addition to infrastructure deficiencies, Binnewies recognized the importance of interpretation programs for visitors and regarded museum construction as a crucial step in serving the monument's growing audience. Death Valley still lacked contact stations at each entrance, another priority for Binnewies. He recommended charging an entrance fee, a practice that the National Park Service had established during the 1920s at the larger parks. Congress insisted on higher fees for entrance in 1953, but the practice had not yet spread to more remote parks or monuments. The new superintendent also needed more staff, an ongoing refrain.³¹ In 1954, even with the new master plan, Binnewies found little support from the agency. The growth in tourism that followed World War II simply overwhelmed the National Park Service.

Mission 66

The emphasis on planning fortuitously led to development, as Death Valley National Monument became an early beneficiary of Mission 66, the National Park Service's great post-war capital development program. With up-to-date planning documents and great need, the monument was in position to make a quick claim on capital improvement funds. Binnewies'

³¹ National Park Service, Mining Regulations: Section 7.26, Death Valley National Monument, A18 W.R. Advisory Comm. Meeting at DEVA Oct. 1971, Death Valley archives; Chief, Landscape Development Section to Regional Director, Region Four, Sept. 23, 1954, Death Valley files, Box 1, File D18 Vol. 1 5-1-55 to 12-31-57, NARA-SB; Barry Mackintosh,

arrival accelerated the planning process. Death Valley had undertaken a number of special studies, most importantly a fire protection plan in 1955 by National Park Service chief safety officer Frank Ahearn, but Mission 66 demanded a more comprehensive planning process. On April 19, 1956, Death Valley National Monument staff submitted its Mission 66 prospectus. The National Park Service approved it in September, promising a new future for the monument.³²

Under the adept Binnewies, Mission 66 yielded rapid results at the monument. In 1956-57, Death Valley National Monument hoped to stabilize its staff and begin essential projects; in 1957-58, the monument received \$640,130 in Mission 66 funding. Binnewies spent much time promoting the program to area communities, governments, and civic organizations, building a powerful base of public backing that quickly translated into congressional support. As 1958 ended, Death Valley had eighteen new agency residences, including an apartment structure; new water, sewer, gas, and electrical systems at Cow Creek; an improved water pipeline from Nevares Springs; and four road-related projects under way, including a new parking lot at Ubehebe Crater.³³

The most important development that Mission 66 funded was the new visitor center and headquarters at Furnace Creek. The park sought a real visitor center almost from the moment the Cow Creek complex opened. The privately run Furnace Creek was well established by then, and Goodwin and others quickly realized that trying to supercede the inn and the ranch was a

Visitor Fees in the National Park System: A Legislative and Administrative History (Washington, D.C.: National Park Service, 1983), 17-21.

³²Superintendent's Monthly Narrative Report for October 1957; "List of the Superintendents of Death Valley," Death Valley archives; Frank L. Ahearn, "Report on Fire Protection for Buildings and Safety, Death Valley National Monument," April 1955, Death Valley files, Box A7631-A78 File: A7631, Vol.1 1-1-55 to 12-31-57, NARA-SB; Superintendent, Death Valley to Regional Director, Region Four, May 4, 1947; Biologist to Superintendent, Death Valley, May 7, 1957, Death Valley files, Box 1, File D18 Vol. 1 5-1-55 to 12-31-57, NARA-SB.

³³ Superintendent's Monthly Report for November 1955; "List of the Superintendents of Death Valley"; Conrad L. Wirth, *Parks, Politics, and the People* (Norman: University of Oklahoma Press, 1960), 237; Summary of Superintendent's Annual Report 1956, 1957, 1958, all Death Valley archives.

difficult and likely fruitless effort. When Binnewies arrived, he made plans for a permanent headquarters away from Cow Creek. Coming from the mountains of New Mexico, he found the headquarters location unbearably hot in the summer and looked closely at Hell's Gate, Wildrose, and Ryan Junction as alternatives. His reconnaissance offered few real possibilities and Binnewies appeared resigned to the Cow Creek site, seeking air conditioning, easily the most important technological marvel ever to come to the desert, to make the headquarters tolerable. Mission 66 made a new visitor center and headquarters possible. In addition to federal funds, the monument received an appropriation of \$350,000 from California and a donation of ninety acres from the Death Valley Hotel Company, a subsidiary of Borax Holdings Limited that had subsumed Pacific Borax. Construction continued on the long-anticipated visitor center and museum at Furnace Creek throughout 1959, and work crews completed the new visitor center in March 1960.³⁴

A new visitor center was an emblem of importance in the park system, marking the first time since the New Deal that Death Valley received a visible share of available agency resources. Advocates of the monument celebrated its construction and their involvement in it. The Death Valley 49ers Association played a prominent role and the visitor center even attracted the attention of Horace M. Albright, more than twenty years out of the National Park Service, but still a considerable force. He offered suggestions on a draft plan for the facility and helped shape its final contours. More than any other event since the establishment of the monument, the

³⁴ Superintendent's Annual Report, 1958; Thos. E. Carpenter to Regional Director, Region Four, March 10, 1955; Superintendent, Death Valley, to Regional Director, Region Four, June 24, 1954, Death Valley files, Box 1, File D18 Vol. 1 5-1-55 to 12-31-57, NARA-SB.

visitor center's completion signaled a new moment in the history of Death Valley.³⁵

Progress on Mission 66 projects accelerated after 1960. In February 1960, a seasoned National Park Service veteran, Granville Liles, replaced Binnewies and remained at Death Valley until August 1962. Liles brought a reputation as an aggressive builder, and his arrival inaugurated the most rapid phase of development in Death Valley's history. Liles called his era "Mission 66 in action," reflecting the era's enthusiasm for development. The monument completed construction of a second six-unit apartment structure. Workers also constructed apartments at the Grapevine housing area. Before the projects, National Park Service employees lived in housing structures built in the 1930s designed to last only five years. Construction crews also finished new water systems in all existing campgrounds, and added a 300,000-gallon reservoir at Furnace Creek. New sewage systems and diesel-fired power generating plants added to the monument's evolving physical infrastructure. Death Valley completed most of its Mission 66 projects by the end of 1963. When Superintendent John A. Aubuchon, who replaced Liles in August 1962 in the era's typical two-year rotation of superintendents, arrived, he found that only the minor details of Mission 66 remained to be completed. Aubuchon supervised a Pacific Telephone project to install a new telephone system in October 1962, and Southern California Edison (SCE) contracted to provide electrical power to Death Valley in January 1963. SCE power reached Death Valley four months later, providing for the first time a dependable source of electricity.³⁶

Campgrounds also were integral to the goals of Mission 66. Visitor growth in the 1950s

³⁵ Carpenter to Regional Director, Region Four, March 10, 1955; Superintendent, Death Valley, to Regional Director, Region Four, June 24, 1954.

³⁶ Summary of Superintendent's Annual Report 1959 "List of the Superintendents of Death Valley"; Conrad Wirth to Horace M. Albright, Dec. 28, 1956; Regional Chief of Maintenance and Regional Architect to Regional Director, April 24, 1956,

made such services deficient at best, and Liles and Aubuchon worked to rectify the problem. In 1961, Texas Springs remained Death Valley's primary campground. Secondary campgrounds at Furnace Creek, Mesquite Spring, Midway Well, Stovepipe Wells, Emigrant Spring, Mahogany Flat, and Wildrose supplemented the main area. All were underdeveloped, without modern facilities such as showers, flush toilets, or accommodations for the large trailers and recreational vehicles that became popular starting in the late 1950s. The postwar wave of visitors jammed Texas Springs campground and other Death Valley sites, and for most, the travel experience ceased to be pleasant. The number of visitors routinely exceeded campsite load limits. In extreme instances, campgrounds during each peak visitation period between 1964 and 1965 filled to more than 500 percent of capacity. When Aubuchon arrived, he fashioned the beginning of a solution to the campsite crisis. During his tenure, Death Valley National Monument completed construction of its first overflow campground, adding twenty-five sites to the existing ninety-five at Texas Springs.³⁷ While this did not eliminate the problem, it served to signal the start of a solution.

By the mid-1960s, the monument directed most Mission 66 funding toward transportation and infrastructure. In October 1965, Death Valley solicited bids for construction of roads, utilities, campgrounds, and comfort stations. One project paved Badwater Road, laid new water and sewer lines for the Mesquite Springs campground, and built a contact station at Grapevine. Under Superintendent John W. Stratton, who arrived at Death Valley in February 1966, the monument planned a new 200-site campground for 1968. Work crews eventually built only 136 sites, but this too helped ease the crowded conditions at Furnace Creek campground

all Death Valley files, Box 1, File D18 Vol. 1 5-1-55 to 12-31-57, NARA-SB; Annual Narrative Report of Superintendent, Death Valley, 1959, Death Valley archives.

and seeded later development. In 1969, Death Valley targeted nearly \$1 million for construction of the Dante's View Road and twenty-three miles of additional roads. Improved access to Dante's View assured greater visitor traffic through Furnace Creek, and monument officials planned another overflow campground for Texas Springs in 1970. The addition was timely. Visitation approached 600,000 in 1970, considerably higher than earlier predictions of 500,000.

During the 1970s, the National Park Service redoubled its planning for additional campground space at Death Valley. Realizing that medium-size additions to existing campground facilities had failed to keep pace with visitation, monument personnel planned a new 200-site campground at Texas Springs in 1972. By the end of 1974, the National Park Service operated 1,518 campsites in nine separate campgrounds across Death Valley. Concessioners operated additional sites at Stovepipe Wells, and a private party operated fifty sites at Panamint Springs outside monument boundaries.³⁸ Mission 66 had been the catalyst for providing more campground space, but the problem continued. Death Valley faced ever-increasing demand.

In the end, Mission 66 allowed the National Park Service to diversify its offerings to Death Valley's visitors, foreshadowing changes in national administrative practices. The opening of the Furnace Creek Visitor Center in November 1960 provided a central location for interpretive activities and magnified the importance of the Furnace Creek area. Soon after, the monument completed the contact stations planned in the 1950s. Grapevine Contact Station opened in 1965, and park staff planned a new station, shop, and residence for Wildrose in 1971. Eventually, the National Park Service added stations outside monument boundaries at Shoshone

³⁷ DEVA Visitor Brochure, 1961, copy with the author; DEVA Visitor Brochure, 2000, copy with author

and Beatty, as well as an interagency visitor center west of Panamint Springs, south of Lone Pine, California, where the National Park Service, BLM, and other federal agencies could cooperate in reaching desert visitors.³⁹

Mission 66 also inspired new approaches to monument planning. By the time Fred Binnewies departed, Death Valley had attained most of the goals laid out in the 1954 master plan. A decade later, the limits of the plan were apparent. Designed in an earlier era, without the presumption of access to resources, it lacked sufficient vision for the new circumstances. Binnewies recognized this shortcoming, and as he completed the monument's first Mission 66 funding request, he initiated work on a new master plan. When the plan debuted in 1960, it reflected the new suppositions of an era of plenty, and strode to take advantage of the realities of generous congressional funding.⁴⁰

Death Valley's 1966 Master Plan

The 1960 *Master Plan* established the first fully developed set of management precepts for Death Valley National Monument. It addressed the issues that had vexed managers since the monument's founding. Chief among these were national park status, long a distant goal but one worth striving toward, a generation of Death Valley staff believed. A second concern included visitor service and experience. Building entrance stations, collecting entry fees, and gaining control of Highway 190 through the monument allowed for better visitor services. The post-war flood of visitation had overwhelmed interpretation facilities, and the 1960 plan proposed a self-guided experience for most visitors. Such a proposal represented a major change in philosophy

³⁸ Annual Narrative Report 1965 Budgets summarized in Sheet No. 19, L1415 Acquisition & Disposal of Lands, 1963-66, P.R.G. 2-14, Death Valley archives

³⁹ Sheet No. 19, L1415 Acquisition & Disposal of Lands, 1963-66.

⁴⁰ Wirth, *Parks, Politics, and the People*, 58-62.

that reflected the high level of visitation. Gone was the presumption that a visitor would spend time in the company of monument interpretive staff. Natural resource goals became evident as well, with the objective of defining the range of bighorn sheep, developing spring and seeps for wildlife, and continuing the ongoing studies of burros and bighorns.⁴¹

Even with the inherent emphasis on development that was an integral part of Mission 66, the 1960 plan redefined immediate and long-term objectives. Resource protection attained a new level of significance. Under the plan, the monument was to limit capital development to the minimum necessary to meet visitor needs, a reflection of the ethos of local managers such as Binnewies rather than the overriding emphasis on development that marked Conrad L. Wirth's tenure as National Park Service director. The articulation of the importance of agency control of Highway 190 and of inholdings and concessions was also new at Death Valley.⁴²

The 1960 *Master Plan* presented a new structure for concessions management, one of the most vexing issues the National Park Service faced at Death Valley. The national parks had contracted concession services since the inception of the agency, and concessioners often had de facto control of visitor services. Inholdings further complicated this dimension of management, for the National Park Service could do little when concession activities operated on private lands. Death Valley found its position particularly compromised. In 1960, the National Park Service controlled only the Wildrose Canyon concession, an operation consisting of a souvenir shop, lunch counter, service station, and twelve overnight cabins. Authorized under a five-year permit, the concessionaire was subject to agency strictures. Failure to comply with requests might lead to termination of the concession contract.

⁴¹ *Master Plan for Death Valley National Monument, Mission 66 Edition*, V 1, 8-9.

⁴² *Ibid.*

Except for this relatively small concession, other accommodations in the monument were on private land. Some, such as the Furnace Creek operation, mirrored the elegant resorts of the early twentieth century. They were stylish and served an impressive clientele. Smaller operations in remote places provided a different range of management issues. The National Park Service often fielded complaints about high prices and inadequate service at those sites, but it had little influence over private operations on inholdings or outside park boundaries. These existing businesses met visitors' needs, but often in ways that made the traveling public blanch. Their existence compromised the National Park Service, and Death Valley had more than its share of such operations. From the superintendent's point of view, too many visitors received services that the National Park Service only barely influenced.⁴³

To counteract the impact of unregulated concessions, Binnewies' master plan advocated an aggressive strategy of acquiring inholdings. As unlikely as buying private lands appeared, such a strategy appeared to be the only way to resolve jurisdictional questions and attain control of concessions. Even in the heady days of Mission 66, this acquisition strategy was difficult to attain. Before 1964, when the Land and Water Conservation Act made funds available for land acquisition, the National Park Service struggled to find resources to buy lands inside parks and monuments. The idea that the agency intended to pursue land acquisition at Death Valley was bold. It entailed a considerably more aggressive approach than the monument had ever before taken.

Land acquisition in Death Valley required hard choices for the National Park Service, for it exposed the different ways that the agency dealt with landowners. The locations from

⁴³ T.R. Goodwin, "Preliminary Report on Privileges to Private Operators," Death Valley files, Box 287, File 900: Concessions, NARA-SB; Sellars, *Preserving Nature in the National Parks*, 43-51.

which to run monument operations were few; private owners already occupied the best sites. The National Park Service planned to aggressively pursue action against some of the smaller landowners, but even this strategy guaranteed that at least one concessioner would retain a crucial role at Death Valley. The entire question revolved around Furnace Creek, where the Death Valley Company managed the resort that Pacific Borax built in the 1920s.

Long before the construction of the new monument headquarters, Furnace Creek had become the hub of Death Valley. Its centrality predated the monument, and even had the National Park Service wanted to change the situation, it had little power to do so. The location of the visitor center and new headquarters was an admission of Furnace Creek's importance. The National Park Service had tried to use Cow Creek to best the concession, but for twenty-five years the Furnace Creek operation retained its pre-eminent position. The headquarters centralized all agency functions and focused visitor activities, two long-standing planning objectives, at the same time as it codified the importance of the Furnace Creek Inn. By any measure, the National Park Service shared Furnace Creek with the company.

Recognizing that they could not control the private development at Furnace Creek with the certainty they coveted, monument planners simultaneously sought new options that over time might diminish its centrality. They planned to expand visitor services in the monument, advocating development at Wildrose, Grapevine Canyon in the north, and Rhodes Well in the south as options.⁴⁴ In effect, agency planners realized that they might limit the impact of outside concessions by inventing new destinations for visitors. This was a time-honored National Park Service strategy, but an expensive one even with the support of Mission 66. Only the era's

⁴⁴ *Master Plan for Death Valley National Monument, Mission 66 Edition.*

unbridled optimism made the inclusion of such an idea more than sheer wishful thinking.

The prospect of an end to the early 1960s congressional windfall of Mission 66 inspired concern about Death Valley's inadequate visitor facilities and services. Binnewies developed his plan with the idea that the access to development capital would be curtailed, forcing a more typical management regime. The problems remained as they had been at the monument's establishment: a lack of resources and insufficient staff. The National Park Service had long managed Death Valley as an enormous outdoor museum, but until Mission 66, management had as many symbolic as actual dimensions. The 1960 *Master Plan* provided a blueprint rather than a solution: it mapped out a future for the monument, but the effectiveness of its strategies depended on resource availability. Visitation growth, Binnewies knew, would remain a constant.⁴⁵

New Visitors, New Concerns

Among the important national changes that the National Park Service could not anticipate was the transformation of outdoor recreation technology. The advent of air-conditioned automobiles, the increased popularity of lightweight trucks and later sport utility vehicles, and the development of other backcountry technologies, such as ultralight camping equipment, combined to give visitors new freedom in the desert. Beginning in the 1970s, visitors could reach more of Death Valley's vast backcountry, where the National Park Service had long relied on limited access for de facto preservation. The monument's staff suddenly had to provide expanded services to visitors with a wider array of interests. The need for a permit to monitor backcountry use became apparent as the number of backcountry travelers grew dramatically, but

⁴⁵ Ibid.

Death Valley initially failed to implement a system. A new management structure became essential, and backcountry patrols began, followed by daily trail and hiking reports.

Monument administration also faced new challenges as the 1970s began. Death Valley was no longer as remote and isolated from the traveling public as it had been. By the 1970s, it and much of the rest of the park system acquired the particular problems of U.S. society as a whole. As use of park areas increased, incidents of crime of all kinds also multiplied. After the Stoneman Meadows riot in Yosemite National Park on July 4, 1970, the National Park Service found itself policing the public in ways it had never anticipated.⁴⁶ Death Valley became central to that transformation, for the desert had long been a haven for those who sought to avoid the watchful eye of U.S. law agencies.

Even before Stoneman Meadows, Death Valley had experienced a horrific portent of the future of agency responsibilities. In September 1969, nearly a month after the murders of actress Sharon Tate and six others and the subsequent killings of Leno and Rosemary LaBianca, someone set a \$35,000 Michigan Articulating Loader on fire near the Race Track in the western portion of the monument. A National Park Service crew put the fire out and searched for the culprits. A case of malicious vandalism quickly turned into a search for some of the most heinous criminals of the time. A group of marauders in a red Toyota 4X4 and dune buggies appeared to be the likely culprits. Park staff set out to investigate, bringing in California Highway Patrol officers and other officials. On Oct. 10, an interagency team raided the old Barker Ranch, arresting ten young women and two men. Two days later, they returned to retrieve evidence and captured four more people. Among them was the mastermind of more than a dozen

⁴⁶ George B. Hartzog, Jr., *Battling for the National Parks* (Mt. Kisco, N.Y.: Moyer Bell, 1988), 1-11; Foresta, *America's National Parks and Their Keepers*, 71-74.

murders, a self-proclaimed prophet with a convoluted and lethal philosophy, Charles Manson.⁴⁷

National Park Service personnel played an instrumental role in the capture of Manson and his followers. Superintendent Robert Murphy and his staff served as point people in the actual capture, even after Inyo County residents had noted the presence of Mansonites for as long as a year. There had been a number of incidents in the county with these erratic young people and on a number of occasions, members of the Manson family came in contact with law enforcement. Most of their activity happened out of reach of conventional law enforcement, but the monument's resources were more directly focused on places where the family operated. The destruction of the Michigan Articulating Loader brought not only National Park Service ire but the focus of regional law enforcement. A California Highway Patrol officer posted at Death Valley and National Park Service Ranger Dick Powell conducted the first raid on the Barker Ranch. Subsequent raids that led to Manson's capture included a range of regional law enforcement officials as well as National Park Service rangers.⁴⁸

The capture of Manson in Death Valley and subsequent trials that led to his conviction illustrated the ways in which the desert had become part of coastal southern California. No longer did the desert provide refuge simply because it was large, forbidding, and dry. Nor did its size insulate the monument from the perils of urban life. More than any other single event, the capture of Manson and his followers highlighted the value of cooperation among the many land managers in the desert and the public, and dramatically reminded everyone that the threats from the outside world were much greater than any issues that divided them. After Stoneman

⁴⁷ Bob Murphy, *Desert Shadows: A True Story of the Charles Manson Family in Death Valley* (Morongo Valley, CA: Sagebrush Press, 1993), 1-11, 78-96; Vincent Bugliosi, *Helter Skelter: The True Story of the Manson Murders* (New York: W.W. Norton, 1974), 123-34.

⁴⁸ Murphy, *Desert Shadows*, 71-78.

Meadows and the Manson case, Death Valley, like the rest of the national park system, emphasized the law enforcement functions of the ranger division. Law enforcement became primary among agency obligations, shifting a considerable amount of resources toward a different kind of management.

Law enforcement played an ever-larger role in the park because of the changing nature of American society and the increasing reach of technology. As the desert became simultaneously more accessible and more people lived in its vicinity, and as the rules of post-1960s America diminished any sense of community obligation, the desert served ever more as refuge for an ever-wider cut of the fringe of American society. Some of these elements were inherently criminal, seeking to use the solitude that hermits once coveted as a cover for more nefarious purposes. In a major example that rocked the National Park Service, in May 1990, park rangers discovered a major methamphetamine laboratory in the southern part of the monument. The perpetrators, members of an outlaw motorcycle gang, chose the location for its remoteness, and their operation was tied into illegal air traffic in drugs. The bust was the largest of its kind in southern California to that time and it revealed a network of illegal operations and airstrips inside the monument and beyond. Eight people were arrested and convicted; law officers seized three airplanes.⁴⁹

The dismantling of the massive methamphetamine operation elevated drug interdiction to a major concern. Death Valley had addressed the question of drug transportation since the late 1960s, but the location of a laboratory in the monument represented a new level of threat. The

⁴⁹ Death Valley National Monument, Drug Interdiction, 102nd Congress Issues Briefing Statement, January 1991, Department of the Interior, National Park Service, Silver Box: Management, Subject: Briefing Statements, 102nd Congress, Death Valley, Death Valley National Park Archives; Superintendent's Annual Report, 1991, Death Valley National Monument, Death Valley National Park Archives, 4.

new circumstances promoted cooperation with other law enforcement agencies including U.S. Customs, and the monument was able to secure new resources to support drug interdiction. In 1991, Death Valley received \$77,000 in special drug interdiction funds and added a GS-9 staff ranger at headquarters, followed by the replacement of a seasonal with a GS-7 ranger at the South District in 1992. The drug enforcement ranger, as the position came to be known, cooperated with regional law enforcement agencies. In 1992, seven military ground missions and ten aircraft missions announced that the monument's law enforcement had taken a new and considerably more aggressive approach to drug interdiction.⁵⁰

The emphasis on law enforcement and drug interdiction came in an increasingly complicated management climate. After 1970, the National Park Service faced ever more diverse resource management issues. The passage of the National Environmental Policy Act (NEPA) in that year compelled specific agency actions that later fell under the rubric "compliance." After NEPA, the National Park Service shared statutory obligations with every other federal agency. During the window of time initiated by passage of the Wilderness Act in 1964 and brought to a close with the reauthorization of the Endangered Species Act in 1978, U.S. society widely and easily agreed to save parts of its natural heritage for all time and to permanently reserve certain resources from economic development. A combination of legislation, including the Wilderness Act, the Wild and Free-Roaming Horse and Burro Act of 1971, and the Endangered Species Act of 1973, created a plethora of new federal regulations. This era of affluence and possibility influenced the National Park Service in dramatic ways. It combined with the agency's post-war

⁵⁰ Superintendent's Annual Report 1991, Death Valley National Monument, Death Valley National Park Archives, 4, 25; Superintendent's Annual Report 1992, Death Valley National Monument, Death Valley National Park Archives, 29; Death Valley National Monument, Drug Interdiction, 104th Congress Issues Briefing Statement, January 1993, Department of the

professionalization to create an emphasis on resource management that became the primary focus at many parks even before the Redwood National Park Expansion Act in 1978 codified this stance into agency policy.⁵¹

Before 1970, the National Park Service's administrative concerns at Death Valley focused on development, physical improvements, road construction and maintenance, and the demands of skyrocketing automobile visitation. Agency staff handled each of these concerns with plans designed to alleviate future pressures. The National Park Service's administrative commitment to developing Death Valley's infrastructure became crucial in handling the post-1970 diversification of visitor demands and needs. At the same time, the legislative and planning demands created by ten years of environmental and preservation legislation added to administrative responsibilities.

By the mid-1970s, Death Valley National Monument operated in a more complicated legislative environment than ever before. After NEPA, the National Park Service faced comprehensive environmental regulations that included the compilation of an environmental impact statement or environmental assessment for undertakings such as construction of new roads or buildings or for any wholesale changes in patterns of use of existing structures. In addition, the Endangered Species Act compelled monument administrators to consider the fate of each of Death Valley's many plant and animal species during the planning phase of any

Interior, National Park Service, Silver Box: Management, Subject: Briefing Statements, 102nd Congress, Death Valley, Death Valley National Park Archives

⁵¹ P.L. 92 Stat. 163 (1978); Lary M. Dilsaver, ed., *America's National Park System: The Critical Documents* (Lanham, MD: Rowman and Littlefield, 1994), 388-94; Hal K. Rothman, *Saving the Planet: The American Response to the Environment in the Twentieth Century* (Chicago: Ivan R. Dee, 2000), 158-83.

development project.⁵² Compliance mandated more comprehensive National Park Service responses.

The need for documentation to support these new activities led to high-quality technical and scientific information necessary to comply with new environmental regulations. Federal statute required a general management plan as well as a range of other studies for the monument. In 1976, the Death Valley staff compiled *Management Options for Natural and Cultural Resources, Death Valley National Monument: Environmental Assessment*, which explored the monument from a number of angles not covered in early National Park Service publications. Research became a focus of the agency in the 1970s, prompting projects such as *Historic Resource Study: A History of Mining in Death Valley*, the definitive history of mining in the monument, written by Linda W. Greene and John A. Latschar.⁵³ In addition, Death Valley's biological diversity enticed numerous university and privately funded research projects.

With these new tools, Death Valley faced the combined issues of compliance and visitor onslaught head on. Once again, despite developments throughout the 1970s – seemingly sufficient number of campsites, the patrols of remote stretches of road, and an increase in staff to assure visitors to Scotty's Castle enjoyed a positive interpretive experience – still proved insufficient. In the post-NEPA climate, more people came to the desert to live and vacation every year and the demands on the monument again exceeded the resources that the National Park Service provided. Visitor management became the most visible manifestation of the National

⁵² Shannon Peterson, *Acting for Endangered Species: The Statutory Ark* (Lawrence: University Press of Kansas, 2002), 3-38; Walter A. Rosenbaum, *Environmental Politics and Politics* 5th ed. (Washington, D.C.: Congressional Quarterly Press, 2002).

⁵³ Benjamin Levy, *Death Valley National Monument Historical Background Study* (Washington, D.C.: Government Printing Office, 1969); *Management Options for Natural and Cultural Resources, Death Valley National Monument: Environmental Assessment* (Death Valley, Calif.: National Park Service, 1976); Linda W. Greene and John A. Latschar, *Historic Resource Study: A History of Mining in Death Valley National Monument* (Denver: National Park Service, 1981) 4 vol.

Park Service's dilemma at Death Valley National Monument.

Death Valley also had other uses and the monument was subject to requests for an array of special permits. Beginning in the 1920s, the desert backdrop provided by the national monument became a sought-after location for films. With southern California's dominant role in the film industry, the use of Death Valley made economic as well as visual sense. Although the most famous movie shot in Death Valley was George Lucas' 1977 *Star Wars*, an astonishing array of films, including *Spartacus* (1960), *The Brute*, a 1927 silent film, *Jonathan Livingston Seagull* (1973), and *King Solomon's Mines* (1950) all were filmed in whole or in part in or near the monument. When such activities occurred inside National Park Service boundaries, special permits were required, and Death Valley invested countless hours of staff time in management of these activities. A spate of filmmaking in the monument during the 1960s and 1970s demanded the attention of staff. The immense popularity of *Star Wars* and Lucas's return to Death Valley for two subsequent films in the series guaranteed ongoing emphasis on management for staff.⁵⁴

Another dimension of the monument obligations to outside constituencies resulted from its climate. Automobile manufacturers used Death Valley as a testing ground to determine a newly designed vehicle's capabilities in hot weather. The arrangement also required special permits, which the monument willingly provided. At the same time, it also produced a number of remarkable instances of industrial espionage. Jim Dunne, a freelance photographer who became a senior editor at *Popular Mechanics* magazine, became the most intrepid of the espionage photographers. In 1974, in search of a Chevrolet Corvette prototype he suspected the company was testing in the national monument, Dunne hired a helicopter and a pilot and searched for it.

⁵⁴ "Death Valley in the Movies (an on Television)," www.nps.gov/deva/Pdf/DVmovies.pdf.

When he found the car, he had the pilot block the road with the helicopter. The driver of the prototype pulled over, got out of the car, and walked toward Dunne. The photographer took his pictures, returned to the helicopter, and earned a fat payday for his efforts.⁵⁵

Death Valley also provided a remarkable setting for endeavors to test the endurance of the human body. Even for highly trained athletes, such activity was extremely dangerous, for the conditions in the monument were so harsh that a single mistake could easily be fatal. The military initiated such endeavors, one of the first of which was a July 1959 trek for 250 Marines from Camp Pendleton, California. The military planned a two-week, 175-mile march from Death Valley to Mt. Whitney, starting 225 feet below sea level about ten miles from the monument and ending at the peak's 14,496 summit. In August 1966, two newsmen, Cliff McAdams and Gordon Ritzman, completed a 136-mile across Death Valley.⁵⁶ Such occurrences were curiosities into the 1960s, unusual events that were newsworthy in and of themselves. The cult of physical fitness had not yet spread over the nation.

By the 1980s, extreme sports had become a growing obsession with a widening part of the population. Iron Man triathalons, in which participants swam, ran, and bicycled extraordinary distances, became cult events that attracted first a hard-core cadre of participants and later the *ABC's Wide World of Sports* audience. A plethora of new events proliferated, including the Hi-Tec Badwater Ultra-marathon, a 135-mile foot race that started in 1987. It began at Badwater and finished on Mount Whitney. Considered one of the physically most difficult challenges, the Badwater ultra-marathon codified the activities extreme sports pioneers undertook in Death

⁵⁵ Keith Bradsher, Have Camera, Will Spy: Trying to Get the Drop on Detroit's Latest Designs," *New York Times*, April 7, 2001.

⁵⁶ "Marines Prepare for Trek," *The New York Times*, July 12, 1959; "Hikers in 4th Day in Desert," *The New York Times*, August 29, 1966.

Valley. Even the winners suffered immensely. “It was the worst experience of my life,” Gabriel Flores, the thirty-two-year-old 1998 winner and daytime record setter, insisted after he finished. The runners were responsible for their own support, leaving the monument in the position of providing backup, but no ranger and no park administrator could ever feel entirely certain that participants would not require their assistance.⁵⁷

Special permits and the management of their constituencies were a constant issue, especially as the monument worked to stay in compliance with National Park Service policies. During the late 1970s and the 1980s, resource management became a primary focus at Death Valley. In part, this transition began with rulings such as the *Cappaert* case and new legislation, including the Mining in the Parks Act. It was inspired by systemwide changes in priorities such as became manifest in the Redwood National Park Expansion Act. Another factor was the emergence of scientists as important policy managers in the National Park Service. The ways in which monument administrators understood and implemented revised federal statutes contributed to new visions of management. At Death Valley, superintendents presumed that national park status would eventually occur, but no timetable yet existed. Planning took on an anticipatory tone, as administrators considered their choices in conjunction with the chance that Death Valley would become a national park in the near future. Planning as a management tool also diversified during this period. Especially after 1980, the National Park Service adopted a philosophy of “planning to protect” to meet the complicated demands of modern preservation. Monument administrators added entirely new considerations to almost every planning agenda.

General Management Plan of 1989

⁵⁷ Kirk Johnson, “A Will to Suffer Draws Runners to the Desert,” *The New York Times*, July 15, 1998; Samantha Stevenson, “A Run Good for the Spirit, but Torture for the Body,” *The New York Times*, July 18, 1998.

Planning culminated in a general management plan and environmental impact statement that the National Park Service approved in 1989.⁵⁸ The monument completed the long, arduous process of compliance with NEPA, and Death Valley had a tool for management more comprehensive and better designed than any in its history. In the almost two decades since the passage of NEPA, Death Valley had spent considerable effort to try to meet the standards of the new law. The master plan and final EIS represented a level of attainment new to the monument. Despite the ongoing shortage of resources and personnel and the still dismal maintenance and housing situation, Death Valley finally had a plan that compared to the best in the park system.

The 1989 plan was bold, simultaneously redesigning the monument's overall management structure and emphasizing four major areas long of concern at Death Valley. The division of the monument into management zones designated all but 3 percent of the monument as a natural area. The plan divided the remainder among small special use, historic, and park development areas. This division allowed the monument to isolate the remaining mining sites to 2,057 acres, with the goal of phasing out all but 1,159 acres of active claims. Facilities and services had never met expectations and the plan offered a strategy to meet current standards. Planned improvements included the replacement of obsolete facilities, especially the maintenance areas at Cow Creek and Wildrose and relocation of Emigrant's facilities to Stovepipe Wells. Recognizing that safety hazards still abounded, most particularly old mining shafts and equipment left behind when extractive operations ceased, the plan sought to secure tunnels and shafts and educate visitors about the dangers of abandoned mining equipment. In keeping with the new emphasis on resource protection in the National Park Service, the plan

⁵⁸ National Park Service, *Death Valley National Monument: Final Environmental Impact Statement General Management Plan* (Death Valley, Calif.: National Park Service, 1989); Edwin L. Rothfuss to General Management Planning

presented a comprehensive approach to minimizing the impact on resources that followed the 1983 *Natural and Cultural Resources Management Plan*. Improving the visitor experience provided the final goal. Renovation of campgrounds, creation of peak use overflow camping areas combined with a smaller number of permanent sites, development of reception centers at monument entrances, upgraded and new wayside exhibits and sites, and improved roads all became objectives.⁵⁹ Visionary in its reach, the new plan envisioned Death Valley as an equal in status to any other major national park areas.

National park status remained an important goal for Death Valley, and with compliance on the way to being attained, Superintendent Edwin Rothfuss marshaled evidence to make the case. The prospects soared with the presidential election of Bill Clinton in 1992. The first Democratic president since Jimmy Carter, Clinton supported environmental causes and favored national park area establishment. Although national park status at Death Valley had been an explicit goal since the 1930s, this revived enthusiasm created the first real opportunity to achieve such an end since passage of the Mining in the Parks Act in 1976. In support of this concept, agency staff members evaluated Death Valley using the criteria for a new national park. Under Rothfuss's direction, monument staff identified areas of concern for operating under the new designation. The most pressing issues facing the monument were natural resources, the studies concluded. Water, particularly the groundwater that surfaced inside the monument as natural springs, was among Death Valley's most valuable and threatened resources and the one that outside interests most coveted.

Process Participant, April 25, 1989, D16 L76, Death Valley Archives.

⁵⁹ U.S. Department of the Interior, "Record of Decision, General Management Plan, Death Valley National Monument, Inyo and San Bernardino Counties, California; Esmerelda and Nye Counties, Nevada," attached to Rothfuss to General Management Plan Process Participants, April 25, 1989.

The Politics of Water

In the 1980s and 1990s, Death Valley became embroiled in the regional water politics created by the explosive growth of Las Vegas, more than 150 miles away. As Las Vegas' population grew, it drew more water from common desert sources, forcing every other adjacent entity to scramble to maintain its share. Death Valley was the sink, the last place to which water flowed, leaving it vulnerable to development elsewhere. The spillover from growth reached the once sleepy community of Pahrump, an unincorporated community about sixty miles east of Furnace Creek, which evolved from a small town into the only urban area in Nye County, Nevada. Its rapid expansion from less than 10,000 people to as many as 30,000 during the 1990s demanded more water, creating uphill momentum from Death Valley to Pahrump to Las Vegas.⁶⁰

The energy to rewrite the rules of desert water began with Patricia Mulroy, general manager of the Las Vegas Valley Water District. Mulroy intuited the future a full decade ahead of the rest of the region. In the 1980s, she understood that the era of dam building was over. Future increases in delivered water would come from redistribution of existing sources rather than the creation of new water projects; the future of water meant reallocation. At the same time, she strongly promoted water conservation, recognizing that the increase in desert populations assured greater demand, and in the end, only extreme care would allow the existing system to continue to function. In any circumstances, reallocation was difficult, an alteration of the status quo sure to enrage even its beneficiaries. It seemed to many an assault on rural life from the most

⁶⁰ Hal K. Rothman, "Urban Oasis: Why Desert Cities Won't Run Out of Water – and Why They Shouldn't," *Urban Ecology* (Spring 2001), 14-22.

upstart city of all.⁶¹

Navigating water politics required a tacit declaration of war, but as it turned out, it served only as a feint. In 1989, the Las Vegas Valley Water District fired a salvo designed to do more than simply get the attention of the many autonomous rural water districts in the Mojave Desert. Mulroy's proposal was inflammatory. She claimed 805,000 acre-feet of water in twenty-six valleys across Nevada, some as far as 250 miles from Las Vegas. Her requests included enormous amounts from the large regional aquifers that supported springs in Death Valley. This was more than a declaration of war. Despite Mulroy's promise that she would not "wipe out" rural Nevada, the people of the desert regarded the water grab as social genocide. When the water district began the costly studies that would lead to an environmental impact statement, the National Park Service immediately recognized a threat to Devil's Hole and the pupfish protected by the *Cappaert* decision. Las Vegas' growth and the water it demanded remained an issue of contention more than a decade later. "We and the [National Park Service] in Fort Collins pay real close attention to what the Southern Nevada Water Authority is doing," observed Terry Fiske, Death Valley hydrologist, in 2002. "But slowing down growth in Nevada to protect Death Valley is probably beyond the scope of what we can accomplish here."⁶²

For Death Valley National Monument, Mulroy's tactics precipitated a change in the monument's position in the desert. The National Park Service had long been unpopular in parts of the rural West, where opponents saw it locking up land that they thought could be put to more productive use. Nor did being a federal agency help it with the increasing anti-government rural West, home to the Sagebrush Rebels of the 1970s and early 1980s and the so-called "Wise Use"

⁶¹ Michael Weissenstein, "The Water Empress of Las Vegas," *High Country News*, April 9, 2001.

movement that succeeded them. In the environs of Death Valley, both the pupfish issue and the end of mining in the monument engendered suspicion.⁶³ When a big city came in search of water, rural residents suddenly regarded Death Valley National Monument as an ally, with both fighting together against the urban foe that threatened their way of life. The federal influence that rural residents usually disdained became an important marker in the battle to preserve their water sources.

Las Vegas' shift to acquire reallocation of Colorado River water eliminated one major threat to Death Valley, but it did not solve other related problems. Death Valley managers watched with trepidation as closer to home, the little town of Pahrump grew exponentially. Unlike Beatty at the northern entrance to the Death Valley, a community that been stagnant for nearly a century and had lost a number of its few jobs as a result of mine closing in the late 1990s, Pahrump's growth attracted its own individualistic constituency. By 1997, the town added three casinos to the one already there, and a strongly anti-government constituency that resented not only federal authority but state and even on occasion county government as well became evident.⁶⁴

With a sign outside of town that read "Welcome to the New Old West," Pahrump's growth posed a different and more complex threat to Death Valley's water sources. The community remained unincorporated, and its governmental institutions came late to the

⁶² Terry Fiske, interview by Hal Rothman, July 24, 2002; Hal Rothman, *Neon Metropolis: How Las Vegas Started the Twenty-First Century* (New York: Routledge, 2002), 157-86.

⁶³ David Helvarg, *The War Against the Greens: The Wise Use Movement, The New Right, and Anti-Environmental Violence* (San Francisco: Sierra Club Books, 1994).

⁶⁴ John G. Edwards, "Pahrump's Progress: Competition is Heating Up in what was Once a One-Casino Town," *Las Vegas Review-Journal*, November 10, 1997. Pahrump's population has long been the subject of dispute. In 1997, Nye County, where the town is located, claimed a population of 27,460 and Pahrump comprised the overwhelming majority. The people of Pahrump claimed foul, saying that their own numbers showed as many as 30,000 and the state demographer's estimate for the county in July 1999, 33,000, confirmed the city's claim.

resource battles that typically drove conflict in the intermountain West. Pahrump struggled to find enough water, in some circumstances drawing from regional groundwater supplies. In a town that disdained governance, many wells were not registered. They drew water at alarming rates with little regard for the “first in time, first in right” doctrine that had long governed western water. Before bankruptcy in 2001, a planned golf course and resort near Pahrump epitomized the problem, but it was only one of infinite possibilities with designs on the monument’s water. Regional growth and its larger implications demanded National Park Service attention.⁶⁵

Another part of the Death Valley groundwater flow system, the Amargosa River, provided a different set of challenges. Beginning ten miles north of Beatty at Springdale, the river wound its way beneath the surface toward the Amargosa Valley and disappeared into Death Valley. Also known as Alkali Creek, the river contributed to the springs at Ash Meadows that support the Devil’s Hole pupfish. A source for agricultural water since the early twentieth century, which culminated in the Cappaert operation, the springs had been stressed by human activity long before the 1990s. “Devil’s Hole has been the canary in the mine shaft,” Superintendent J.T. Reynolds observed. By 2001, development threatened the water table, and as the final stop along the water source, the monument faced again the prospect of losing a share of its water to upstream development. “We need to understand that since we are down gradient, we better know what’s happening above gradient and how it is affecting us,” Reynolds noted.⁶⁶

Increased mining and commercial activity around the monument’s periphery and the

⁶⁵ Michael Weissenstein, “Boomtown faces Slowdown: Pahrump Growth Falters,” *Las Vegas Review-Journal*, Jan. 7, 2001.

acceleration of development of the high-level nuclear waste repository at Yucca Mountain provided another troublesome dimension to the area's water quality and supply. The Nevada Test Site, home to more than 127 aboveground atomic and nuclear tests and the more than 350 belowground tests conducted before cessation in 1993, created a radical change in the region's biology and posed a significant threat to regional water quality.⁶⁷ Even worse, it again encouraged the public to think of the desert as a wasteland. This sentiment contributed to the highly political decision in 1987 to site the nation's high-level nuclear waste at Yucca Mountain.

Long before Death Valley attained national park status, the National Park Service recognized the need for intensive research and monitoring to document baseline conditions and the possible impact of pumping water for Yucca Mountain. The Nevada Test Site had been dangerous; Atomic Energy Agency scientists and their successors in subsequent agencies had known that testing contaminated water beneath the test site, assiduously working to conceal that information. Later research showed that contaminated water spread, posing health and safety issues in the Amargosa Valley and for Death Valley. Yucca Mountain increased the risk and inspired even greater fear; not only was the siting uncharted territory, advocates had exhausted their credibility with the public as a result of earlier prevarication. Such an enormous project posed a heightened level of concern for the monument. Since its de facto designation as the

⁶⁶ J.T. Reynolds, interview by Hal Rothman, July 25, 2002; National Park Service, *Draft Environmental Impact Statement and General Management Plan: Death Valley National Park* (Death Valley, Calif.: National Park Service, 1998), 111-14; Robert D. McCracken, *A History of Amargosa Valley, Nevada* (Tonopah, Nev.: Nye County Press, 1990), 2, 16, 29.

⁶⁷ A. Costandina Titus, *Bombs in the Backyard: Nuclear Testing and American Politics* (Reno: University of Nevada Press, 1987); Cabell Phillips, "Huge Blasts Claim Growing Atomic Power," *The New York Times*, February 4, 1951, "Atomic Age Reaches Old Nevada Town," *The New York Times*, May 7, 1967; Anthony Ripley, "Underground Blast Fired in Nevada," *The New York Times*, March 27, 1970; Iver Peterson, "Issue of National Nuclear Waste Dump Polarizes Three States," *The New York Times*, January 25, 1985, A10; Matthew L. Wald, "Work is Faltering on U.S. Repository for Atomic Waste," *The New York Times*, January 17, 1989, C1; Matthew L. Wald, "Finding a Burial Place for Nuclear Wastes Grows More Difficult," *The New York Times*, December 15, 1989, C1; William J. Broad, "A Mountain of Trouble," *The New York Times Magazine*, November 18, 1990, 36-40, 80-82; Matthew L. Wald, "Doubt Cast on Prime Site as Nuclear Waste Dump," *The New York Times*, June 20, 1997, A12.

nation's only high-level nuclear waste repository, it served as an ominous reminder of the limits of Death Valley's ability to control its destiny. Yucca Mountain posed the threat of its enormous need for water along with the prospect of contamination of a scarce resource in an accident. Although the project remained mired in political controversy throughout the 1990s, President George W. Bush signed the nuclear waste repository project into law in 2002, creating a genuine long-term issue for Death Valley. "We're just trying to stay in the fight," observed Death Valley Superintendent J.T. Reynolds in 2002. "We just have to make sure that we get our opinion and our suggestions in the mix when decisions are made, and if there is any way in which we can stop certain things that are decreasing the quality of water or air, then we have to do that."⁶⁸

Interagency Solutions

National Park Service administrators also regarded declining air quality and visibility as major issues for Death Valley. Air quality became a noticeable major issue in western national parks after 1970. Declining air quality, a result of outside pollution, dogged areas across the Southwest and became a major concern at Death Valley during the 1970s and 1980s. Research conducted between 1975 and 1977 indicated a connection between oxidant air pollution – the results of combustion – and the decline of plant vitality, most notably the desert holly. By 2000, compliance with federal air quality standards had become an issue for park management. Although Death Valley was a Class II area, non-attainment of federal standards, common throughout Southern California, had reached the desert and in some cases encroached on the park. Death Valley's ability to respond was limited, being dependent on actions outside its

⁶⁸ Martin Forstenzer, "Concerns Arise Over Aquifer Near Nuclear Test Site," *The New York Times*, March 21, 2000, F2; J.T. Reynolds interview, July 25, 2002.

boundaries.⁶⁹

In response to such problems and to adhere to the dictates of the California Desert Protection Act of 1994, the National Park Service, Bureau of Land Management, and the U.S. Fish and Wildlife Service banded together to create a new interagency management plan for more than 7.7 million acres. Designed to provide a twenty-year blueprint to attempt to manage growth in the eastern California deserts, federal planners designed the *Interagency Desert Management Plan, Northern and Eastern Mojave* to provide broad guidance for management of federally owned lands throughout the region. It contained detailed plans for the new Mojave National Preserve and Death Valley National Park and for BLM lands. The desert management plan amended the existing *Death Valley General Management Plan* of 1988, allowed for the management of new Death Valley wilderness that stemmed from the passage of California Desert Protection Act, created the first general management plan for Mojave National Preserve, and crafted management decisions for BLM wilderness areas that amended the *California Desert Conservation Area Plan* of 1980. Planners addressed issues such as access to public lands, infrastructure, habitat management, including that of the threatened desert tortoise and other sensitive species, wilderness management, and wild horse, burro, and alien and exotic plant and animal species management. Other themes included the proposed expansion of Fort Irwin, visitor information facilities, recreation, mining, and utility corridors. In 1995, the parties formed an interagency multidisciplinary planning team to create the plan.

Following federal standard procedure, the planning process included public hearings throughout the desert region. The public participated in workshops and open houses during three

⁶⁹ National Park Service, *Draft Environmental Impact Statement and General Management Plan: Death Valley National Park*, 111-12; John C. Freemuth, *Islands Under Siege: National Parks and the Politics of External Threats* (Lawrence:

different stages of the project: the scoping sessions, when participants identified issues; after the development of alternatives; and during the review period for the draft and final documents. The first set of workshops was held in late September 1995, in Las Vegas, and in Baker, Barstow, Furnace Creek, Independence, Lone Pine, Needles, Pasadena, Ridgecrest, and San Bernardino, California.⁷⁰

This massive planning effort attracted attention from proponents and detractors of a managed desert. Some all-terrain vehicle advocates chafed at proposed restrictions, while organizations such as the Sierra Club thought that the proposals did not protect natural resources sufficiently. The National Park Service found itself in its typical position, trapped between constituencies, unable to please either opponents or supporters. While the particular protections of national park lands minimized their problems with opponents, the entire planning process elicited comment from a range of sources. The plethora of issues, from desert tortoise protection to the off-road race from Barstow to Las Vegas, meant that in every comment period, myriad voices would be heard. At the same time, the National Park Service had to hold true to its values. “A park like Death Valley is a last stand for protecting resources,” Reynolds observed in 2002.⁷¹

The desert management plan created a new reality for Death Valley National Park, one that would have been foreign to Theodore Goodwin and other early superintendents. By the late 1990s, park management took place in conjunction with other federal agencies, state and local government, and citizens and users of the desert. Despite differences in its mandate from peer agencies such as BLM, the National Park Service no longer could independently manage its

University Press of Kansas, 1990), 85-130.

⁷⁰ “Interagency Desert Management Plan Northern and Eastern Mojave Desert Inyo and San Bernardino Counties, CA; Intent To Prepare an Environmental Impact Statement,” *Federal Register*, Sept. 5, 1995 (Volume 60, Number 171), 46132-46133.

Mojave holdings. Its decisions had to be in concert with those of other managers and stakeholders, and had to satisfy a diverse and complicated public. An age of interdependence had arrived. No longer could the National Park Service function largely on its own. The problems of management had become so complex and the potential results of intransigence so acute that all groups had to work together. Forging compromise that complied with federal law and met the needs of locals and visitors became the goal of park management in the twenty-first century.

⁷¹ Vicki Warren, "The Southern California Deserts," *ATV Connection*, Oct. 6, 2001; Off-Road Business Association, "ORBA Newsletter," June 2001; J. T. Reynolds, interview, July 25, 2002; Darlington, *The Mojave*, 248-312.

Chapter 5:

Native Americans and the Park

In 1933, President Franklin Roosevelt established Death Valley National Monument in the heart of the homeland of the Panamint Shoshones, who later were called “Timbisha.” Federal officials drew up the monument’s boundaries with scant regard for the region’s prior inhabitants and with even less recognition of their historic status and position. The United States dropped its cultural template upon these Native Americans and gave priority to the claims of miners and anyone else who understood U.S. land law ahead of those of the people who had historically lived in the area. The nation’s laws placed the Timbishas in peculiar jeopardy. Without formal status as a tribe recognized by the Bureau of Indian Affairs, the federal agency charged with Native American issues, the Timbishas lacked direct access to the meager advantages provided by the government. Nor did the tribe have legal standing, which would have granted it access to the U.S. court system. Caught in limbo at the monument’s founding, the Timbishas had little control of the land on which their lives depended.

In this regard, they shared much with other Native Americans who lived inside national park area boundaries, as well as other neighbors of the National Park Service. Until the 1970s, such disregard was a typical part of national park area creation, a process in which the agency created landscapes devoid of people, best described in 1963’s Leopold Report as “vignettes of primitive America.” In the effort to reflect the values of nineteenth-century Romanticism, a perspective that allowed the United States to become “nature’s nation” as it escaped the oppressive legacy of European culture, national parks became landscapes from which the

government had removed the people. This primeval America, a vestige of a world before the European entry, simultaneously erased Indians from that landscape of meaning. This formulation of the role of national parks began with the founding of Yellowstone National Park in 1872 and continued for at least the next 100 years.¹

Envisioned as devoid of even their first inhabitants, the national parks emphasized the distance between nature and humanity. Indians were absent only in a figurative sense; often they remained in or near national park areas, treated as symbolic representations of a past and divested of all but mythic status. If remaining Native Americans wanted to be mythic Indians and dance and perform ceremonies for visitors, they were welcome in the loose intellectual construction of national parks. If they deviated from that purely symbolic role and became a real presence, the National Park Service treated them not as “Indians” in a mythic sense, but as Indians in the sense of the early and mid-twentieth century, a people who did not much matter to the day’s larger issues.²

Imbued with the spirit of the times, the National Park Service deeply embedded this formulation of the Indian in national park policy, a pattern that became typical of the late nineteenth and twentieth centuries. From its inception, the agency almost perfectly mirrored the desires and values of middle- and upper-middle class America. Mainstream America had little place for native peoples except as a manifestation of the past. Where federal land received special designation, someone – often Native American but also Anglo-American – was likely to

¹ Robert Keller and Michael Turek, *Native Americans and National Parks* (Tucson: University of Arizona Press, 1998), 2-26; Mark D. Spence, *Dispossessing the Wilderness: Indian Removal and the Making of the National Parks* (New York: Oxford University Press, 1999), 3-8, 41-62.

² Barbara Novak, *Nature and Culture: American Landscape and Painting, 1827-1875* (Oxford University Press, 1996), 1-6; Alfred Runte, *National Parks: The American Experience* (University of Nebraska Press, 1987), 35-40.

be displaced. In the western national parks and across Alaska, the instances of such treatment were numerous. Resident populations also were prevalent in the eastern national parks, those bought with congressional dollars while filled with people who presented an image or a history the National Park Service did not yet appreciate or value. The result was a pattern that served one set of goals but was a harsh reality for prior residents of national park areas. As the United States made park areas national in reach and as they were designed to fulfill the combination of educational and nationalistic functions that the early- and mid-twentieth century demanded, the federal government enforced a template that wrote Native Americans and other longtime residents out of the story. In the national park system, instances of callous treatment and removal of Native peoples were so common that in retrospect, some have come to regard the National Park Service's treatment of native peoples within its boundaries as the agency's original sin.³

The removal of native people and the manipulation of their land claims resulted from the convergence of a number of trends in U.S. society. Congress usually established national park areas from federal lands, creating an inherent contradiction. Federal land presumptively belonged to the people of the United States. Few questioned the means by which those acres had become federal property. The lands selected for national parks often belonged to native peoples, many of whom the government had moved only recently, but federal ownership of land trumped any prior claim. As the treatment of Spanish and Mexican land grants after the 1848 Treaty of Guadalupe Hidalgo revealed, U.S. law alone defined the legal status of American land. Law

³ Donald Swain, *Wilderness Defender: Horace M. Albright and Conservation* (Chicago: University of Chicago Press, 1970), 61-90; Spence, *Dispossessing the Wilderness*, 133-39; Keller and Turek, *Native Americans and National Parks*, 232-40; Theodore Catton, *Inhabited Wilderness: Indians, Eskimos, and National Parks in Alaska* (Albuquerque: University of New Mexico Press, 1997); Karl Jacoby, *Crimes Against Nature: Squatters, Poachers, Thieves, and the Hidden History of American Conservation* (University of California Press, 2001), 1-7; Louis Warren, *The Hunter's Game: Poachers and Conservationists in*

provided justification for behavior that might not otherwise have stood scrutiny. At the same time, the nation reached for a broad cultural identity. Nature, codified in national parks, provided it. The combination of law and the development of a national cultural identity based in nature and a mythical past devastated Native Americans.

The Timbisha Way

The Timbisha, who had made their home in what became Death Valley National Monument long before Europeans arrived in the New World, were among the many peoples who endured privation as a result of such policies. The Timbishas' creation story tells of their people's emergence on earth at Ubehebe Crater, when Coyote, who carried them, put down his basket and slept. While he rested, the people crept out of the basket and scattered around Death Valley. Part of a larger group of western Shoshone referred to as the Panamint Shoshone, the Timbisha descended from prehistoric Native Americans who wintered on Death Valley's floor and spent summers in the Panamint Mountains to the west. These Panamint Shoshone were a small westerly arm of the main Shoshone people. They were neighbors to Southern Paiutes to the south, Kawaiissus to the south and west, and Northern Paiutes to the north and west, providing a rich interconnected world of desert-dwellers.⁴

Small populations made relationships between the different groups in greater Death Valley an essential component of survival. The Timbisha Shoshones inhabited several districts in Death Valley and the surrounding mountain ranges. During historic times, no more than 100 to

Twentieth-Century America (Yale University Press, 1997), 1-21; Philip Burnham, *Indian Country, God's Country: Native Americans and the National Parks* (Washington, D.C.: Island Press, 2000), 19-29.

⁴ Steven J. Crum, *The Road On Which We Came: Po'i Pentun Tammen Kimmappéh: A History of the Western Shoshone* (Salt Lake City: University of Utah Press, 1994), 1-16; "Technical Reports Regarding the Death Valley Timbi-Sha Shoshone Band of Death Valley, California," L30 Land Use – Indian Village, 1981-82, P.R.G. 8-8, Death Valley archive; Burnham, *Indian Country, God's Country*, 295-96.

150 individuals lived in this area of roughly 500 square miles. The boundaries between the Shoshones and neighboring groups such as the Paiutes or Kawaissus were flexible. Even linguistic difference did not halt social interaction. Neighboring Kawaissus, Northern Paiutes and Southern Paiutes all participated in this wider social and economic circle. Fluctuation in available food required families to go outside their immediate areas to gather or hunt; a lack of permanent ownership of hunting and gathering areas facilitated this practice, emphasizing cooperation. Individual families often attended fall festivals outside their own district. These kinds of social ties extended beyond the immediate Death Valley area. Inter-marriage among the different peoples was common, strengthening kinship networks.⁵

Death Valley's environment played a key role in shaping Timbisha culture. The sparse desert, broken up by several groups of high mountains, afforded a variety of habitation zones and food sources. The Shoshone economy depended on subsistence from nature; piñon nuts from mountain trees and mesquite pods gathered in the valleys provided important food sources that were supplemented by hunting small animals, particularly rabbits, and some larger game such as mountain sheep and deer. Eventually the Shoshones farmed in small gardens around the various valley springs. This sparse economy compelled groups of families to maintain close connections while dispersed for part of the year throughout several hundred square miles of territory.

A seasonal cycle of migration predicated the economy of the Western Shoshones, a crucial factor and one that ever after complicated their relations with the Anglo-American world. Individual families or a small group of relatives traveled separately from the rest of the group during most of the year. In winter, when cooler temperatures and occasional moisture made

⁵ "Technical Reports Regarding the Death Valley Timbi-Sha Shoshone Band"; Julian Steward, "Basin-Plateau

resources comparatively plentiful, larger numbers camped together in villages. Dependable food and water supplies helped determine the location of such communities. Cooperative economic efforts were rare, but when they occurred, they usually involved hunting. Communal rabbit hunts were quite frequent, although antelope hunts took place less often. Typically, these larger operations included several villages. Families also gathered during the fall to collect pine nuts and hold fall festivals, at which the Shoshones conducted ceremonies, socialized, and gambled. The pine nuts harvested at the fall gatherings might last as little as a month, assuring that the tribal population needed to replenish the stores by other means.

Although the economy placed limits on cooperation between villages, those groups in the Death Valley area tended to associate more with some villages than others. According to ethnographer Julian Steward, these groupings of villages, known as “districts,” shared collective names and evinced enough unity that Steward labeled them as “bands,” a higher level of social organization by anthropological standards. A “chief” with limited power led each district. Indicating the loose nature of affiliation and the lack of power in the hierarchy, the Shoshone word for chief translated as “big talker” or sometimes “talker.” Leaders typically functioned as facilitators, deriving power from their service to the group. They coordinated the fall festivals and hunts, activities of considerable practical and ceremonial significance, and also handled the equivalent of foreign relations involving different villages. According to Steward, these were significant positions, not temporary roles; as such, they had social value and leaders typically passed them to their male relatives.⁶

Aboriginal Sociopolitical Groups,” Bureau of American Ethnology Bulletin 119 (1938).

⁶ “Technical Reports Regarding the Death Valley Timbi-Sha Shoshone Band”; Steward, “Basin-Plateau Aboriginal Sociopolitical Groups.”

The Timbisha in Historic Time

Furnace Creek was an important center of Timbisha life. Historical accounts indicated a substantial settlement with deep roots in Death Valley, albeit without a consensus about exactly who lived there and when they arrived. One of Julian Steward's informants told of several families that lived in the area for many generations. Another informant said there was no Shoshone settlement until Bill Boland arrived in 1883. Still other information suggested that Bill Boland's father lived at Furnace Creek in 1852, and the Bolands maintained that Furnace Creek was their home. Steward's work confirmed that Shoshone settlements were present at Furnace Creek since contact with the European-American world. The Timbishas articulated this position in 1970s, when negotiations over Native American rights in Death Valley began. In a letter to the federal government, Timbisha representatives contended that Shoshone peoples had occupied Death Valley since "time immemorial."⁷

Furnace Creek offered ample evidence of ongoing Shoshone habitation. When Anglo-Americans arrived in 1849, they found a considerable Shoshone presence, albeit very few people at that precise moment. A party of 49ers encountered what they described as a "big Indian camp," although only one Shoshone remained to meet the newcomers. The Shoshones were a consistent presence and nearly every passerby remarked upon them. An 1857 U.S. Surveyor General map showed Shoshone huts at Furnace Creek. During a visit to Furnace Creek in 1858, one traveler observed a rancheria of more than 100 people, with twenty or thirty structures, standing at the mouth of Furnace Creek. An 1861 summer party found no Shoshones along the creek. One observer rightly noted that at that time of year, Shoshones were most likely at their

summer camp in the high mountains on the other side of the valley, living on stores of pine nuts and dried rabbit. Wildrose Canyon or Johnson Canyon, areas where several valley families passed the summer, provided the most likely summer locales. A number of people from the Panamint group intermittently lived near what would become Darwin, a mining town in the Panamint Mountains founded in 1875. The pattern of seasonal occupation confounded whites. A party of prospectors in 1886 discovered a deserted Indian settlement at Furnace Creek, but by 1890, the Panamint comprised nearly the entire population of the Furnace Creek, and traditional hunting and gardening took place throughout the decade. By that time, the Boland and Wilson families both lived in Death Valley on a permanent basis.⁸

At the same time, Anglo-American economic endeavors provided new employment opportunities for the Timbishas. In 1860, a Shoshone led a party of whites into Surprise Canyon, just south of Hall Canyon, to a mine site that local residents called the Christmas Mine. Indian oral histories told of Native American groups in the Panamint Mountains and Panamint Valley to the east of Death Valley cutting wood for the charcoal ovens at Wildrose Canyon in the 1870s. Shoshone people lived around Telescope Peak in February 1873 and in the Panamint Mountains around 1875. Beginning in 1881, mining operations at Eagle Borax in southern Death Valley, and in 1883, at Harmony Borax near Furnace Creek, both employed area Shoshones. Although these operations each lasted only a few years, they set the stage for the growing importance of wage work for Indians from the settlement and elsewhere in Death Valley. Haying and irrigation at the Greenland Ranch became important seasonal sources of wages in the 1890s. The

⁷ “Memorandum to Those Attending October 18, 1975 Meeting in Death Valley National Monument,” L30 Land Use – Indian Village, 1970-1977, Death Valley archive; “Technical Reports Regarding the Death Valley Timbi-Sha Shoshone Band”; Steward, “Basin-Plateau Aboriginal Sociopolitical Groups.”

opportunities were so plentiful that Indians from the south end of the valley also worked there on occasion.⁹

By the beginning of the twentieth century, Shoshone people had become well ensconced throughout Death Valley and its surroundings. Even after Anglo-Americans settled the area permanently in 1883, the Shoshones maintained traditional social structure. Some mined or allowed others to mine their claims, while others worked for the Furnace Creek borax operations and further north at Harmony. Still other Shoshones grew crops or planted orchards, selling the surplus. They also worked for wages as guides or on ranches. Some women cleaned in boomtowns such as Rhyolite, bringing additional wages home. Even before 1933, when the National Park Service became part of the local community, the Death Valley Shoshones had begun to alter their historic ways of subsistence.

The Bureau of Indian Affairs and the Timbisha

Soon after 1900, the Bureau of Indian Affairs became involved with the Death Valley Shoshones for the first time. A 1906 survey of California Indians by BIA Special Agent Charles Kelsey listed two families in the Panamint Valley by name, Panamint Tom and his cousin, Panamint Joe, antecedents of the modern Timbisha. Kelsey noted nine families comprising forty members who lived in Death Valley, but provided no names or additional details. Part of a state of California effort to account for the large numbers of unenrolled Indians – those not registered in any tribe recognized by the government – Kelsey's work paved the way for an allotment of land from the public domain in 1908 for Hungry Bill, Panamint Tom's brother, in the Panamint Mountains. In 1911, in response to the survey, the federal government established Bishop Indian

⁹ Pauline Esteves and Grace Goad, interviews by Hal Rothman, Dec. 9, 2002.

Agency at Bishop, California. Despite the 160-mile distance and the very difficult country to traverse, the Death Valley Shoshone fell under the Bishop Agency's jurisdiction. The distance impeded the relationship, and within a few years, the Bishop Indian agency focused its energy on closer tribal groups. Despite the shift in emphasis, the Death Valley Shoshones remained a responsibility of the Bishop BIA staff. They were on BIA census rolls from 1916 until 1940. After 1926, the BIA closed the Bishop Agency and transferred jurisdiction of the Sierra region first to the Walker River Agency, then back to its original home in the Carson Agency.¹⁰

Before 1900, federal Indian agencies began their often-misguided attempts to help native peoples while at the same time providing an avenue for assimilation into U.S. society. As the new century began, federal Indian agencies sought to rehabilitate their reputations. Many dispensed with their predatory nineteenth-century traits and had become paternalistic but comparatively benign institutions. These federal organizations still retained powerful influence over Indians, for they controlled the livelihood of their charges. Most agencies expected Indians to conform to the dictates of the federal agent; in return, the agency offered services. The landless Indians who lived within agency jurisdiction posed the greatest problem, especially if they were far from the Indian agency headquarters. In some cases, agencies helped secure land for their remote charges, but this was an infrequent circumstance.¹¹

The Death Valley Shoshone were far away from the agency facilities and received little assistance. Only Hungry Bill appears to have directly benefited from BIA assistance, but his

⁹ "Technical Reports Regarding the Death Valley Timbi-Sha Shoshone Band."

¹⁰ "Technical Reports Regarding the Death Valley Timbi-Sha Shoshone Band"; Charles E. Kelsey, "Census of Non-Reservation California Indians, 1905-1906," (Berkeley: University of California Archaeological Research Facility, 1906).

¹¹ Frederick Hoxie, *A Final Promise: The Campaign to Assimilate the Indians, 1880-1920* (Lincoln: University of Nebraska Press, 1984) 1-14; David Wallace Adams, *Education for Extinction: American Indians and the Boarding School Experience, 1875-1928* (Lawrence: University Press of Kansas, 1995), 1-9.

relationship required an interminable amount of time to develop. An initial General Land Office ruling in 1907 granted Hungry Bill a homestead claim in Johnson Canyon in the Panamints; on review, the agency reversed the award decision, ruling that as a Native American, Hungry Bill was ineligible to homestead. The Carson Indian Agency again filed the claim and in 1908, the Bureau of Indian Affairs approved the allotment, issuing a permanent patent in 1927. The agency also deeded a winter village settlement at Hell's Canyon on the west side of the Panamint Mountains to a Shoshone named George Hanson. He and his family cultivated alfalfa and fruit, and raised goats on the property. In 1923, a flash flood destroyed the irrigation system, and Hanson asked the government for relief. The BIA could not help; under the law, Hanson did not own the property, making him ineligible for government assistance. In 1928, Congress deeded the land to Hanson, allowing for federal help in rebuilding his irrigation works. In only one other case, an allotment given in 1936 to Robert Thompson, son of Panamint Tom, did a Death Valley Shoshone receive title to their land.¹²

Nor did federal education programs offer the Death Valley Shoshones anything they desired. Educating Indians long had been a primary BIA focus, and officials sought to place Death Valley children in school. After 1910, some Death Valley Indian children attended the Carson City Indian School, which offered a curriculum that reached tenth grade and emphasized vocational skills. The first group arrived in 1911, and Death Valley children continued to attend until 1918. Throughout the era, BIA officials sought more pupils for the school. In 1915, Carson School Superintendent Frederick Snyder contacted the Shoshones at Lida, seeking to enroll their

¹² "Technical Reports Regarding the Death Valley Timbi-Sha Shoshone Band"; Christopher H. Peters, "Land Acquisition and Needs Assessment for the Timba-Sha Shoshone Band of Indians" (Eureka, Ca.: Peters, Matilton & Associates), L30 Land Use – Indian Village 1983, P.R.G. 8-8, Death Valley archive; Crum, *The Road on Which We Came*, 75.

children. Many parents did not want their children that far from home, and the desert's great size made it possible to keep them out of the reach of boarding school officials. Some children attended public school in Darwin and Beatty as early as 1915, and BIA officials recognized the merit in this change. In 1918, BIA Commissioner Cato Sells urged the Bishop Agency to place all Death Valley Shoshone children in public schools and pay tuition for them; in 1920, Assistant Commissioner Merritt directed the agent to "consider them under his jurisdiction" and to get them into public schools.¹³

BIA regulations entitled off-reservation Indian children to public school at federal expense, resulting in a struggle between the Death Valley Shoshone and the government. Tuition posed a considerable expense to the BIA. In 1920, seven Shoshone families with sixteen school-aged children lived at Furnace Creek; the federal government would have to pay Inyo County, California, if they attended local school. In 1921 and 1922, in an effort to solve the problem, the Bishop agent tried to coerce the Furnace Creek families with school-age children to move to Owens Valley to attend Indian schools. Cost saving was clearly a motivating factor. The BIA did not want to pay the county for Indian children to go to public schools. The families refused, establishing an important precedent. If they did not leave, they could protect their claim to the area. In addition, the group did not want to be under government jurisdiction, choosing to continue to work at Furnace Creek. The Bureau of Indian Affairs eventually relented, paying tuition for Furnace Creek children to attend public school starting in 1922. The children first attended school at Ryan, a mining town at the edge of Death Valley.

Death Valley Shoshone resistance to being moved and attending boarding schools

¹³ "Technical Report Regarding the Death Valley Timbi-Sha Shoshone Band," 14-17.

yielded important dividends. In 1925 and 1926, a school with room for fifteen pupils opened in Furnace Creek. Teachers also taught adult Indians there after hours. Between 1926 and 1932, interruptions in public schooling funding resulted from shortages of federal appropriations and conflicts with the public school districts and other factors. With the advent of the New Deal and the ascension of John Collier to commissioner of Indian Affairs, funding became more consistent. Officials referred to the school at Death Valley as “The Death Valley Special School,” although it was under control of the Ryan District. Other Shoshones from Death Valley continued to attend public schools at Darwin and Beatty, and in the 1920s, at least a few lived at the Carson and Sherman boarding schools. After 1931, six Death Valley Shoshone consistently attended Carson, and at least a few attended Sherman. Six more Indian children attended public school in Furnace Creek.¹⁴ Even without a land base, by staying in their home place, the Death Valley Shoshone received one of the primary benefits offered by the BIA.

The National Park Service Arrives

By the time the president established Death Valley National Monument in 1933, the Death Valley Shoshone had considerable experience in dealing with agents of the federal government. They had never encountered the National Park Service, which was reaching its first peak as an agency as the New Deal began, but the Indians had little reason to be hopeful about the new administrators. When the National Park Service arrived at Death Valley, tribal elder Pauline Esteves recalled, “they all wore uniforms and the people were kind of intimidated because they were used to hearing about uniforms, cavalry and that kind of stuff, so beware of

¹⁴ Bishop Agency, Annual Reports of the Superintendent, 1911-1926, NARS microfilm, 301, R. 3, and Carson Indian Agency, Carson Indian School Student Folders, 1920-1960, National Archive and Records Center–Santa Barbara, Ca. (hereafter

the uniforms. Here they are with these people wearing uniforms and taking charge and walking all over the place. They felt [that] since there was just a very small number of people living here, [we] could never confront them. So, they said we will just be wary of them, stay our distance, and just don't upset them because we know that the outcome is not going to be very good.”¹⁵

Trepidation among Indians marked the relationship from the moment the National Park Service arrived in the region.

The Death Valley Shoshones had reason to fear these newcomers. The new monument stretched across their homeland, covering nearly every area where the Shoshones lived and subsisted. The presidential proclamation had not included only small areas of private land such as Hungry Bill's allotment and non-Indian holdings at Furnace Creek and other places in the monument boundaries. The National Park Service acquiesced on the allotment of Panamint Tom's home in Warm Springs Canyon to his son, Robert Thompson, but in general, the agency set out to administer the new monument with little thought to its prior inhabitants, their habits, and needs.¹⁶

In this respect, the Shoshone in Death Valley fared no differently from most Native American groups who encountered the National Park Service. Even before Congress established the agency, the federal government removed native peoples from park landscapes and even denied them historic rights to hunt and fish within national park boundaries. In the 1930s, the National Park Service's mission, preserving spectacular and important places and presenting

NARA-SB.), R.G. 75, cited in “Technical Reports Regarding the Death Valley Timbi-Sha Shoshone Band”; Adams, *Education for Extinction*, 205-12.

¹⁵ Pauline Esteves, interview by Hal Rothman, Dec. 9, 2002.

¹⁶ Horace M. Albright as told to Robert Cahn, *The Birth of the National Park Service: The Founding Years, 1913-1933* (Salt Lake City: Howe Brothers Press, 1986), 271-98, provides the best description of the Park Service's goals and objectives during the early 1930s.

them as emblems of national achievement, generally left out Native Americans. From the Grand Canyon to Glacier National Park, native peoples found their historic uses of lands within national parks circumscribed and their options limited. The National Park Service usually even rebuffed legally recognized tribes' efforts to use the national park lands for historic purposes. The small group of Shoshone in Death Valley, not recognized as a tribe by the federal government in the 1930s, stood little chance of gaining the rapidly expanding National Park Service's attention.¹⁷

Even before the National Park Service's arrival, the population of Death Valley Shoshone became more concentrated. Families were still living at a number of the traditional locations throughout the 1930s, but they gravitated to specific enclaves because of outside pressures and opportunities. By 1940, the Shoshone occupied only a few sites, principally Furnace Creek, while Wild Rose Canyon in the Panamints still served as a summer settlement. The National Park Service added to the pressure, gradually restricting hunting rights and further concentrating the Shoshone population. Monument staff also revised regulations to curtail the raising and selling of horses and burros, an Indian livelihood. As Indians had fewer options, they stayed closer together, finding in community both solace and sustenance. As a result, the winter population of the Furnace Creek settlement increased substantially in the 1930s, reaching as many as sixty people. Residents came from a variety of families throughout Death Valley, instead of just from families with roots in the immediate area. Employment at the Pacific Coast Borax Company's Furnace Creek operation provided an important reason for the concentration. Its jobs replaced curtailed subsistence activities, and the Indian village stood on land claimed by

¹⁷ Burnham, *Indian Country, God's Country*, 300-05; Spence, *Dispossessing the Wilderness*, 115-32; Jacoby, *Crimes*

the company. Indian men worked in area mines. When the hotel opened, the women followed into company employ.¹⁸

The Indian Reorganization Act and the Timbishas' Struggle

The Great Depression inaugurated an era of even harder times at Death Valley, placing the Shoshones at great disadvantage. State and county governments tended to treat the group as an unwarranted burden. In this difficult era, the National Park Service and the BIA came to the defense of the Shoshone. In 1936, federal observers noted that the Indians were in a crisis. Still suffering from the Depression, Inyo County was reluctant to add new people to its relief rolls. Although Indians formally became U.S. citizens in 1924, they were not taxed as were non-Indian citizens, and county officials simply did not want to support people who never would contribute to county coffers. Inyo County officials and the Pacific Coast Borax Company, which feared that the Indian presence would have a negative impact on hotel visitors, sought removal of the Death Valley Shoshone from Furnace Creek. Death Valley Superintendent T.R. Goodwin and Alida Bowler, the BIA superintendent at Carson Agency, Nevada, opposed the proposal, thinking that removal would be improper as well as difficult. Bowler and Goodwin recognized Furnace Creek as traditional territory for the Death Valley Shoshone. Bowler argued even if the Indians were removed to another location, within a year most would drift back to their traditional home and way of living, wintering in Death Valley or adjacent valleys and then moving into the Panamint or other mountain ranges during the summer. Bowler and Goodwin considered a forty-acre

Against Nature, 121-170.

¹⁸ Crum, *The Road On Which We Came*, 112; Albright, *The Birth of the National Park Service*, 279 Pauline Esteves interview, Dec. 9, 2002.

Indian village at Furnace Creek as the possible site for a permanent home for the Shoshone.¹⁹

The point of view shared by Goodwin and Bowler reflected significant changes in federal thinking about Indian people. The Indian Reorganization Act of 1934, spawned by the New Deal, and John Collier's administration at BIA, simultaneously promoted a different approach to Native American questions. Effectively, the combination of law and policy emancipated Native Americans, albeit under the watchful eye of the BIA.²⁰ For the Death Valley Shoshone, this change meant that government agencies that long denigrated their pursuits and ways of thinking now became advocates of their cause. While the Indians appreciated such efforts, they rightly remained wary. Their experience with the U.S. government gave them little reason to believe.

Bowler and Goodwin spearheaded a drive that made great strides in changing that perception in Death Valley. Shortly after the monument's establishment, both the National Park Service and the Bureau of Indian Affairs expressed concern about the abysmal living conditions and the poor health of the Shoshone. The National Park Service demonstrated a commitment to helping the Indians. After Inyo County denied relief funding, the two agencies cooperated to alleviate the dire conditions. Federal officials insisted that the county upgrade educational services and construct a schoolhouse. They made arrangements for the National Park Service to distribute relief supplies provided by the Carson Agency to Shoshone people in the valley and sought to have a self-supporting Indian colony set up in Death Valley, modeled on the successful colony in Yosemite National Park. When Goodwin arranged for a physician to examine local

¹⁹ "Technical Report Regarding the Death Valley Timbi-Sha Shoshone Band," 16-18.

²⁰ Lawrence C. Kelly, *The Assault on Assimilation: John Collier and the Origins of Indian Policy Reform* (Albuquerque: University of New Mexico Press, 1983), 42-65; Kenneth R. Philp, *John Collier's Crusade for Indian Reform, 1920-1954* (Tucson: University of Arizona Press, 1977), 13-37.

children, the doctor discovered that many suffered from malnutrition.²¹

Calls for removal of the Shoshone from Death Valley particularly piqued National Park Service officials. Col John R. White, the superintendent of Sequoia National Park who ran Death Valley from afar, insisted that the Indians “cannot or should not be moved away from their home.” As was common during the New Deal, he used Emergency Conservation Work (ECW) programs to help alleviate the Indians’ dismal living conditions.²² In White’s estimation, the Death Valley Shoshone lived in “hovels,” a condition that federal dollars and interagency cooperation could alleviate easily. White’s perspective had become widely held after the start of the New Deal in 1933. In a number of national parks, CCC or ECW programs constructed new housing for Indians who lived and worked on parklands.²³ Such effort was indicative of an important change in perception as the National Park Service began to take more ready account of native peoples inside its boundaries.

The National Park Service needed the BIA to improve the situation of the Death Valley Shoshone, and Alida Bowler emerged as the Indians’ strongest advocate within that agency. She carried their case to national leadership, circumventing opposition from her immediate superiors. In 1936, Assistant Indian Commissioner Fred H. Daiker told Bowler that the bureau did not have any funds for the Death Valley Shoshone. Their off-reservation status and location within a national monument removed them from bureau responsibility, he insisted. Instead, Daiker thought a New Deal rehabilitation grant provided the best possibility for relief. The Shoshones

²¹ John R. White to Alida C. Bowler, Feb. 11, 1936; T. R. Goodwin to Alida C. Bowler, March 11, 1936; White to Bowler, March 15, 1936, all L30 Land Use – Indian Village 1933-1939, Death Valley archive; Bowler to Goodwin, March 30, 1936, DEVA General Correspondence, NARA-SB; Spence, *Dispossessing the Wilderness*, 124-27, describes twelve cabins for sixty-six people at Yosemite.

²² White to Bowler, March 15, 1936, L30 Land Use – Indian Village 1933-1939, Death Valley archive.

might be able to establish official status as a community of half-blood Indians, which would permit them to organize under the Indian Reorganization Act and attain some measure of the protection it offered. No one acted on Daiker's premise at that time, although in 1937, George Hanson and his family at Indian Ranch voted 8 to 0 to accept the Indian Reorganization Act. The family did not follow up with a constitution or other required organizational mechanism, making the vote a largely empty gesture.²⁴

During the New Deal, federal resources were easier to obtain than in earlier years, and even Indians could receive federal money. The Death Valley Shoshone accepted a federal rehabilitation grant that provided funds for constructing nine houses in the colony. The "Trust Agreement for Rehabilitation Grant to Unorganized Tribe" provided \$6,500 from the Emergency Relief Appropriation Act of 1935 for the period between March 14, 1936 and March 11, 1937. The money was an award, but under a rider to the agreement, the determination whether the Indians who received houses possessed the capability to repay all or part of the construction costs had to be made. The monument superintendent had to approve all such decisions. In addition, the Death Valley Shoshone promised to maintain and operate the water system built with grant money. Construction of the houses began in 1937.²⁵

The construction documents became the catalyst for a formal interagency agreement. On May 23, 1936, BIA Commissioner Collier and Acting National Park Service Director Arthur E. Demaray signed a memorandum of understanding that agreed in principle to the establishment of

²³ Jacoby, *Crimes Against Nature*, 187-91; Hal K. Rothman, *Devil's Bargains: Tourism in the Twentieth Century West* (Lawrence: University Press of Kansas, 1998), 74-77.

²⁴ Memorandum to Those Attending October 18, 1975 Meeting.

²⁵ "Trust Agreement for Rehabilitation Grant to Unorganized Tribe," Nov. 3, 1936, L30 Land Use – Indian Village, 1933-1939, Death Valley archive.

an Indian colony in Death Valley National Monument. Under its terms, the Indian agency purchased \$5,000 of building materials and delivered them to the monument. The National Park Service supplied building plans for houses and outbuildings for the Indian families, supervised construction of buildings, and provided most of the labor. Both agencies anticipated that Pacific Coast Borax would donate land for the project as a way of assuring the proximity of their employees, but the company proved recalcitrant. Eventually, the National Park Service provided a site, just a short distance from the main road through the monument. BIA selected the families who received houses, subject to the approval of the National Park Service, and the agency was entitled to charge for upkeep and maintenance. The National Park Service also promised to provide employment whenever it could.²⁶

Locating the new village required additional finesse. The existing Indian settlement had been north of Furnace Creek Ranch on Pacific Coast Borax Company land. The company eventually refused to allow the colony to remain on its holdings. When the National Park Service selected the colony's location, it did not consult the Death Valley Shoshone. The tribe "didn't think it was right because people were being moved," without their consent, Pauline Esteves remembered, "and there wasn't even a home built there already for them to move in to, so they had to live in little tents on their own." After discussions, the monument built the houses on a forty-acre tract of National Park Service land south of Furnace Creek Ranch. The Shoshone still were not pleased. They found this new location less desirable, distant from the school and from the mesquite grove that was one of the reasons for the settlement's original location. Yet, under the circumstances, they had to accept what the government offered. Once Pacific Coast Borax

²⁶ "Technical Reports Regarding the Death Valley Timbi-Sha Shoshone Band." 19-21.

determined that it would not allow the Indians to continue to stay north of the ranch, their options were limited.²⁷ With little more than informal protection in statute, the Death Valley Shoshones had little recourse.

The federal government moved the Indians before completing construction. The Shoshone family, the Thompson family, and Grace Goad's uncle all lived in tents, while Pauline Esteves' family had a house. None of the dwellings had plumbing, sanitation, or even running water. "Water was piped down," Pauline Esteves recalled. "They had to build their own little places for bathrooms and [there was] just a spigot out there to haul their water from." To stay cool in the summer, Grace Goad remembered, "We would put gunnysacks up, a whole bunch of them and put water on them. When the wind blows, it's nice and cool." Even worse, the bricks that the Shoshones expected to see never materialized. Instead, the National Park Service built their homes from adobe. Many years later, Pauline Esteves saw the bills of lading that were supposed to bring the bricks from Lone Pine. They were never fulfilled.²⁸ The agreement between the National Park Service and the BIA initially raised expectations but did little to improve the lives of the Shoshones.

Between 1938 and 1940, the National Park Service and BIA attempted to clarify the status of the Death Valley Shoshone. The key question was whether these people qualified as "ward" Indians, entitled to all of the BIA benefits and services. If they did not, officials wondered if existing regulations legally could transform them into wards. Since the Dawes Act of 1887, ward status depended primarily on membership in a tribe with a reservation or

²⁷ Pauline Esteves interview, Dec. 9, 2002; Perry Gage to John R. White, Aug. 28, 1936; John Bergen to Chief Architect, May 28, 1936, L30 Land Use – Indian Village 1933-1939, Death Valley archive.

²⁸ Pauline Esteves interview, Dec. 9, 2002; Grace Goad, interview by Hal Rothman, Dec. 9, 2002.

ownership of other trust property such as an allotment. After the Indian Reorganization Act of 1934, declaration of status as a person of one-half Indian blood or more also allowed people to qualify. Ward status had advantages; it made the designees the responsibility of the U.S. government; federal officials technically considered non-ward Indians dependents of local government.²⁹

The transfer of the forty-acre tract at Furnace Creek village to the Shoshones seemed to be the best solution. Goodwin and Bowler both recognized that without a land base, federal regulations trapped the Death Valley Shoshone in a netherworld. The Indians lived on federal land, but were the responsibility of the very distant and not very accommodating Inyo County government. The National Park Service entered the village project with Bowler's assurance that Collier could help make the area into a reservation. When officials recognized that such an option would cede control of land in the monument's heart, the National Park Service reversed its stand, a decision that inaugurated more than one-half century of tension between the monument and the Shoshone. The presence of the Death Valley Shoshone generated complex discussions about the legal basis for providing services to landless Indians, but in the meantime, they remained caught between Interior Department agencies.

This largely technical distinction encouraged local government to dispense with any obligation to the Indians. Inyo County had always been poor. Sparsely populated, large in area, and devoid of a rich economic base, it struggled through the Great Depression in the manner of many rural counties across the West. It had few resources to offer, and the little it had, county officials intended to save for their own. Bowler applied consistent pressure to persuade Inyo

²⁹ "Technical Reports Regarding the Death Valley Timbi-Sha Shoshone Band," 19-21; Adams, *Education for*

County to assist Death Valley Indians, but found that county officials insisted that even non-reservation Indians were the sole responsibility of the federal government.³⁰

Under Collier, the BIA made room for the Death Valley Shoshone and took responsibility for them after Inyo County refused to do so. Despite their status, the government usually considered the Shoshone and other landless Indians to be the responsibility of the Indian agency with jurisdiction in the area, and it promoted self-governance and independence. This arrangement dated from 1911 and reached its pinnacle with the powerful federal presence during the New Deal. The Death Valley Shoshone and others received a variety of services from BIA in the 1930s even as efforts to create a reservation continued.

The idea of a reservation stemmed from necessity. At every turn, Bowler found her efforts stymied by the Death Valley Indians' atypical legal status. They were neither an independent governmental entity nor wards of the government. In 1938, the BIA Washington office once again informed the Carson Agency that the Death Valley Shoshone were ineligible for federal relief funds. Exasperated, Bowler asked Commissioner Collier if his agency could declare the colony a reservation so that BIA could assert jurisdiction. Bowler met with the village residents and helped prepare a petition to Collier seeking the establishment of the forty-acre tract as a reservation. The group had complied with the terms of the Indian Reorganization Act by forming a council; a reservation was the next step to the autonomy the Indians sought and that Collier intended to provide to Native Americans. Twenty-one adults, including most of the inhabitants of the village and Tom Wilson and his wife, who at the time were living in southern

Extinction, 13-23.

³⁰ Richard Lingenfelter, *Death Valley and the Amargosa* (Berkeley: University of California Press, 1986), 449-53; David Darlington, *The Mojave: A Portrait of the Definitive American Desert* (New York: Henry Holt, 1996), 8, 273.

Death Valley, signed the petition. Representatives for the Thompson, Shoshone, Kennedy, Patterson, and Boland families also participated.³¹

Legal constraints hampered the chances of creating a reservation inside Death Valley. Only Congress could create an Indian reservation, and during the New Deal, other needs took precedence. Nor was there any guarantee that the National Park Service would support legislation that took even a small amount of its land. The 1938 agreement granted the Death Valley Shoshone right of occupancy. The only administrative authority on which the government could base a reservation proclamation, the Indian Reorganization Act, did not apply to national park system lands. With the reservation's prospect in serious doubt, Goodwin championed the Indians' cause. He encouraged the National Park Service to acknowledge the urgent need for a reservation and recommended that the two agencies jointly suggest legislation that would transfer title of the forty-acre Furnace Creek tract to the BIA. Such a transfer would permit the BIA to grant title to the Indians without a legislative measure. Goodwin pointed out that precedent for an action of this nature existed at Death Valley. The agency had already granted Robert Thompson title to his father's lands. The National Park Service declined, but Goodwin remained undeterred. If he could not help the Shoshone get land, he could at least agitate for better conditions. By November 1939, Goodwin reported that circumstances of the Indians had improved. "By use of Indian funds and CCC labor," he wrote, "we have taken them off the Borax Company lands and placed them in a most interesting Village, to which all tourists seem to gravitate." Goodwin even proposed expanding the village project into a tourist attraction, a

³¹ Alida C. Bowler to Commissioner of Indian Affairs, Jan. 23, 1939; T.R. Goodwin, Memorandum for the Director, Aug. 15, 1939; Fred H. Daiker to Don C. Foster, Nov. 7, 1939, all L-30 Indian Village, Death Valley archive.

suggestion the National Park Service ignored.³²

The Death Valley Shoshone found themselves in a peculiar legal position. As an off-reservation people, they were less able to command the attention of Bureau of Indian Affairs officials than the Western Shoshone on the Nevada's Duck Valley Reservation. Although Alida Bowler was particularly sympathetic to the Shoshones' plight and enjoyed great local power, her ability to influence BIA headquarters was scant. Once located on National Park Service land inside the monument, the Shoshone found themselves working with another agency, again sympathetic at the local office but unaccommodating at higher levels. Goodwin served as an important advocate for the Shoshone in National Park Service discussions, but like Bowler, his position and the inarguable fact that what he proposed contravened larger agency objectives such as land acquisition and exclusive control of national park areas limited his influence on policy.

By 1940, efforts to create a reservation inside Death Valley National Monument fell apart. There was little precedent for taking national park land for such purposes, and while National Park Service officials expressed differing opinions about the proposal, no consensus on its efficacy materialized. Agency officials and their BIA counterparts tried to resolve the issue, and each agency managed to convince itself that the other did not favor a permanent reservation. After a meeting with BIA officials in Washington, a National Park Service memo indicated the agency thought that Collier did not favor a reservation. BIA officials believed that they approved the forty-acre village based on Bowler's assurances that the National Park Service could convert the land to a reservation. Assistant BIA commissioner Daiker told Bowler in November 1939 that he thought the National Park Service would not support legislation; even if it did, he

³² Memorandum for the Director, Aug. 15, 1939, Daiker to Foster, Nov. 7, 1939, L30 Land Use – Indian Village 1970-

averred, congressional approval was uncertain.³³

BIA's response to its perception that the National Park Service did not favor a reservation was to attempt a return to the Indian Reorganization Act as a legal basis for transferring land to the Death Valley Shoshone. An October 1939 BIA memorandum ordered the bureau's Indian Organization section to "take the necessary step for the enrollment of this band of Shoshone." Daiker instructed the Carson Agency to recognize members of the group as persons of one-half Indian blood under Section 19 of the Indian Reorganization Act. Recognition provided ward status, Daiker opined, although without a reservation, the Shoshone could not incorporate and receive the act's full benefits.³⁴

The issue was not so easily resolved. Frank Parcher, acting superintendent of the BIA's Carson School, questioned whether Indian Service could expend its funds for Indians who did not possess a reservation. The Department of the Treasury previously had defined "ward" Indians as those who lived on government land, a premise that stemmed from a 1925 comptroller general's opinion that no guardian-ward relationship existed between the federal government and Indians without reservation, trust land or treaty relationship. The extension of citizenship to Indians in 1924 made many governmental agencies and large parts of the public less sympathetic to special measures for Native American welfare, a sentiment reflected in the comptroller's opinion. Parcher prompted discussion in Washington, where officials wondered whether the comptroller's opinion superceded the Indian Reorganization Act. At the time, clearly established policy recognized people with at least one full-blooded Indian parent as eligible for services

1977, Death Valley archive.

³³ J. Collier, Memorandum for Indian Organization, Oct. 23, 1939, cited in "Technical Reports Regarding the Death Valley Timbi-Sha Shoshone Band."

under Section 19. Many officials thought that passage of the IRA after the comptroller's decision modified the basis for ward status. Throughout the 1930s, the federal government treated such people as federal charges and allowed them to receive benefits. In July 1940, the BIA allowed that recognition under Section 19 might only be necessary for benefits under the IRA and that the Death Valley Shoshones were "entitled to the benefits and privileges as wards of the government without regard to their blood status." Under that ruling, BIA offices could treat the Indians as wards of the government and extend aid to them.³⁵

Despite the debate, IRA recognition did not follow, and the status of the Shoshones did not change. The Death Valley village simply remained a site where the National Park Service allowed Indians to live by agreement with BIA. Yet in many ways, it functioned like a reservation. Bowler left the Carson Agency in 1940, but that office continued to administer the village and assist individual members of the Indian group. Death Valley Shoshone children remained in the BIA boarding school, renamed the Stewart Indian School, in Carson City, Nevada; a few stayed in the local school. BIA created work programs for the people in Death Valley. In 1939, a second rehabilitation grant provided \$500 for a community laundry, which the government intended to counteract decreasing employment at the monument and borax company. Between 1939 and 1942, a branch of the Wai Pa Shone trading post, an Indian cooperative in Nevada that marketed Indian crafts, operated in Death Valley. Community members had an easily accessible outlet for their crafts. A community service worker lived at the village in the winter of 1939, paid by BIA and the trading post cooperative. Although neither she nor the Shoshone thought the laundry and the trading post were good ideas, the woman

³⁴ Ibid.

continued to help run the operations. When funds for the community service worker evaporated the following year, one of the Shoshone women took over the trading post. A BIA physician regularly provided health care through 1941.³⁶ The National Park Service was quite proud of its accomplishments at the village. In spite of its unusual legal status, the Death Valley Indian village resembled a reservation.

Despite the stability afforded them by the village, the Death Valley Shoshone were not immune to the problems that plagued Native Americans during this era. Even with the enthusiastic advocacy of Bowler and others, severe problems – a legacy of the sad combination of neglect and exploitation that characterized Native American relations with the United States – left a powerful residue of distrust and despair. Despite efforts of BIA and the National Park Service to prevent the sale of alcohol to Native Americans, it was readily available. Abuse sometimes followed. In Death Valley, alcohol found its way to Furnace Creek. Generally, employees of various Death Valley tourist operations sold it to the Indians, and the public intoxication, vandalism, and assaults that stemmed from drinking there involved both Indians and others. Success in other areas took away some of the sting. The trading post provided a valuable venue for local art and basket ware. It generated reasonable income that helped stabilize the Shoshone economy, eventually persuading them of its value.³⁷

Termination and the Timbisha

Conditions for Native Americans did not improve during World War II and only

³⁵ Ibid.

³⁶ “Technical Reports Regarding the Death Valley Timbi-Sha Shoshone Band,” 20; Pauline Esteves interview, Dec. 9, 2002.

³⁷ Memorandum for Superintendent Goodwin, April 9, 1941; Memorandum for the Director, May 6, 1941; Jane M. Jones to T.R. Goodwin, May 1, 1941, all L30, Land Use – Indian Village, 1940-1949, Death Valley archive.

worsened after the close of hostilities. Despite the war's emphasis on freedom and the beginning of the extension of civil rights to African Americans in its aftermath, conservatives in power used the idea of freedom as a way to divest government of its legal responsibilities for Native Americans. The efforts came from many directions, but the most egregious was a policy called "termination," which attempted to both sever the relationship between Native Americans and their land and simultaneously end direct federal responsibility for them. Initially called "liquidation," termination began as a BIA program after World War II and gained momentum in 1953 with a resolution by the U.S. House of Representatives that called for an end to federal responsibility for Native Americans. The rationale, argued by BIA Commissioner Dillon S. Myer, the architect of Japanese internment during World War II, declared that tribal status held Indians back socially, economically, and politically, and cutting federal ties would permit progress. Opponents such as the noted Indian advocate Felix Cohen charged that the policy was mere racism designed to defraud Indians of the limited assets that remained to them.³⁸

Termination was an attempt to end the treaty-based system of providing sustenance for Native Americans without providing any form of replacement. It echoed earlier policies such as assimilation, the effort between 1880 and 1920 to divest Indian people of their cultural distinctions, language, and history, but this was more insidious. Under termination's auspices, the federal government took an active role in ending tribal governance, dividing tribal lands and generally erasing the presence of traditional Indian tribal and community structure.³⁹ It was as if

³⁸ Richard Drinnon, *Keeper of Concentration Camps: Dillon S. Myer and American Racism* (Berkeley: University of California Press, 1987), 233-48; Donald L. Fixico, *Termination and Relocation: American Indian Policy, 1945-1960* (Albuquerque: University of New Mexico Press, 1986), 1-23; Kenneth R. Philp, *Termination Revisited: American Indians on the Trail to Self-Determination, 1933-1953* (Lincoln: University of Nebraska Press, 1999), 1-15.

³⁹ Hoxie, *A Final Promise*, 1-25.

the BIA, after failing to meet the needs of its charges for more than a century, decided to simply erase them from history.

Termination caused dramatic changes in BIA policy toward the Death Valley Shoshone. As it implemented the policy, the bureau distanced itself from non-reservation Indians. The lack of formal land rights did prevent an attempt to legally disband the group, but it was small consolation for the Shoshone. The village remained on National Park Service land, an unusual situation that allowed BIA to distance itself from support for village residents. Bureau officials pointed to the group's lack of legal land base as the reason it did not qualify for BIA support. The Indians did not respond, and members did not seek to force the BIA to recognize their rights. From the 1950s until the early 1980s, the Bureau of Indian Affairs largely ignored or forgot the Death Valley Shoshone.⁴⁰

The National Park Service's policy toward Native Americans within monument boundaries was hardly more enlightened during the 1950s. Although local agency officials had supported the Death Valley Shoshone, such enthusiasm was nowhere near sufficient to counteract overall national trends. Nor was the National Park Service particularly enthusiastic about Native American rights during the decade; the agency retained many of the cultural traits of its founding generation, few of whom expressed more than token sympathy for Native Americans. With the ascent of Conrad L. Wirth to the directorship in 1951, the National Park Service had a builder at its helm. The Mission 66 program provided resources for capital development, taking much of the agency's energy and making it loath to challenge Congress or

⁴⁰ Superintendent, Death Valley, to Assistant Regional Director, March 23, 1951, Death Valley files, Box 279, File 610: Private Holdings, NARA-SB; Letter to Ralph Gelvin, March 24, 1947, L30 Land Use – Indian Village, 1940-1949, Death Valley archive.

even Department of the Interior policy. As did the BIA, the National Park Service experienced pressure to reexamine its relationship with Native Americans in Death Valley and elsewhere.⁴¹

At Death Valley, the National Park Service acquiesced to a version of termination. As occurred elsewhere in the park system, some agency officials sought to capitalize on the climate to remove Indians from the monument. On Oct. 31, 1956, Region Four Director Lawrence Merriam recommended changes in policy for the Death Valley Indian village. Merriam challenged the validity of the 1936 Memorandum of Agreement that established the community. A new policy, dated May 9, 1957, obviated the 1936 agreement by asserting that the Shoshone were not wards of the state. The new policy, "Death Valley Indian Village Housing Policy," made only the occupants present in the village houses and their descendants eligible for housing under five-year renewable special use permits. Under its terms, when a house became vacant, the agency was to tear it down. The policy initiated a rental charge of \$8.00 per month and also imposed agency-crafted civic conditions regulating behavior. If residents engaged in disruptive conduct, the document warned, the National Park Service could evict them from their house.⁴²

For the Death Valley Shoshone, this policy was more than an affront; it was a threat to their very existence in Furnace Creek. Although the policy appeared for the first time to permit the demolition of houses, the Shoshone had experienced prior removal of their dwellings. Johnny Kennedy had come home from World War II to find his house demolished; federal workers had also destroyed Johnny Boland's house. Even more, the National Park Service wanted to move

⁴¹ Spence, *Dispossessing the Wilderness*, 129-31; Peters, "Land Acquisition and Needs Assessment for the Timba-Sha Shoshone Band of Indians." It is telling that most histories of the national parks do not even mention termination.

⁴² Superintendent, Death Valley, from Regional Director, Region Four, Oct. 31, 1956; Death Valley Indian Village Housing Policy, May 9, 1957; Memorandum to Those Attending October 18, 1975 Meeting; Director from Regional Director, Region Four, May 17, 1957, all L30, Land Use – Indian Village, 1950-1959 P.R.G. 8-8, Death Valley archive.

the Death Valley Shoshone to Lone Pine, almost 100 miles by road from their existing homes. “We said ‘we’re not from over there, that’s not within our territory,’” Pauline Esteves insisted. “It would be wrong for us to move anywhere and so we stayed on.”⁴³ Again, staying in place helped the Death Valley Shoshone when faced with threats to their community.

In a fashion marked by strict adherence to statute, the National Park Service participated in the disinvestment of the Death Valley Shoshone. The 1936 agreement with BIA provided the Indians with a sound land base, albeit in a convoluted arrangement. BIA’s withdrawal of support for the Indians meant that the National Park Service had no partner, a circumstance that terminated the arrangement. The Indians remained in Death Valley, but without federal status even as wards. The federal government had transformed them from Indians with special protection to people inside a national park area with a prior claim to land but without legal sanction for their continued presence. The National Park Service had no entity with which to create a new arrangement, nor is it clear that the agency would have agreed to any more formal arrangement than the 1936 agreement had codified. Nor could the agency simply transfer land to another entity, as Congress had to approve any such maneuver. The agency could only exercise administrative jurisdiction. Without an agreement, five-year renewable permits made the most sense. They retained administrative control at the local level, where the National Park Service showed its greatest sympathy for the Shoshone in Death Valley.

Such transitory authority for their persistence in the heart of their homeland simultaneously offended the Death Valley Shoshone and made them insecure about their status. The land was theirs, they thought, but they could only stay on it with permission of the National

⁴³ Pauline Esteves interview, Dec. 9, 2002.

Park Service – and even more degrading, they had to renew that status every five years. Worse, they were required to pay rent on their houses. “A lot of people weren’t going to pay, then one paid and so the rest of us had to pay, otherwise we had to leave if we didn’t pay,” Grace Goad remembered wistfully. “That superintendent (Fred Binnewies) wasn’t worth a darn” in Shoshone eyes, she added.⁴⁴

The National Park Service retained final authority over the village, inevitably leading to conflict with the Shoshone, whose rent payments remained erratic. In some instances, monument workers tore down adobes officials classified as dilapidated. The National Park Service regarded such structures as eyesores and hazards; the people who resided in them saw them as home, no matter what their condition. In at least one case, a Shoshone family who left for higher elevation in the summer returned a few months later to find their dwelling removed.⁴⁵ The new arrangement made the Death Valley Shoshone fearful.

Eventually the new policy realized the Indians’ worse fears, as it transformed into an attempt to remove the Indian village altogether. In April 1958, rent on the Indian houses had been in arrears for two years, resulting in a lack of funds for maintenance of the buildings and surrounding property. The conditions at the site had become appalling. “Laundry facilities, flush toilets, showers, etc. have all fallen into a complete state of disrepair, and sanitary facilities consist of very poor pit toilets,” one NPS observer noted. “Several of the unoccupied houses have partially collapsed and are beyond repair.” As Pacific Borax’s business changed, employment opportunities diminished for the Shoshone, leaving most on some kind of

⁴⁴ Grace Goad interview, Dec. 9, 2002

⁴⁵ Staff Anthropologist to Chief Anthropologist, Jan. 13, 1983, L30 Land Use – Indian Village, 1983 (Folder 3), P.R.G. 8-8, Death Valley archive.

government assistance. As a result, the National Park Service adopted a new stance designed to gradually eliminate housing in the village. Agency officials framed it as an effort to help the Indians; without employment options, the village held little promise, agency officials argued. Yet this strategy, codified in regulation in May 1963, also reflected a growing disdain for Native Americans within the monument, a throwback to an older attitude about national parks that made them devoid of human habitation. In the following decade, the relationship between the Death Valley Shoshone and the National Park Service worsened. The National Park Service attempted to collect the monthly \$8.00 rental fee, but failed, leading to frustration that had long-term ramifications. As late as 1967, when the monument attempted to provide electricity for the Indian village, the National Park Service abandoned the plan because agency officials would not support the project unless the inhabitants were prepared to pay monthly electrical bills.⁴⁶

The Death Valley Shoshone Organize

Facing continued obstacles to their presence in Death Valley, the Indians recognized that proving their claim to land was an essential step in controlling their destiny as a people. The lack of a land base and permanent legal status made it difficult to qualify for federal largesse. In the changing climate toward Native Americans that followed 1970, the Shoshone strengthened their circumstances. In September 1973, Indian village residents submitted articles of association to the Bureau of Indian Affairs under the name Death Valley Timbisha Shoshone band, but the bureau failed to approve the application. At about the same time, as a response to Indian demands for improved civil rights stemming from the cultural climate of the 1960s, a new federal policy abolished termination and replaced it with “self-determination.” This revised

⁴⁶ Roger Ernst to R. Graham, April 18, 1958; Superintendent, Death Valley, to Files, July 31, 1981, L30 Land Use –

philosophy encouraged Indians to control their individual and collective destiny. Self-determination took away BIA's absolute control of Indian life, led to attempts to reclaim land, and fashioned a more clear and autonomous place in U.S. society for Native Americans. Even with the new attitude toward autonomy, Native Americans remained wary of the federal government and the nation.⁴⁷

At Death Valley, the newly organized Timbisha looked for ways to stay in the Indian village. They enlisted Indian support groups that had emerged in the aftermath of the 1969 occupation of Alcatraz and the 1973 Wounded Knee, South Dakota, standoff, when Indian activists held off Federal Bureau of Investigation agents near the site of 1890 massacre. In February 1975, an Indian task force meeting inaugurated efforts to resolve the complicated status of the village and its inhabitants within the monument. George Foreman, a representative of California Indian Legal Services, detailed Timbisha complaints. Foremost was the lack of electricity, proper sanitation, and tenant status, endured in lieu of legal title to the land or ownership of their houses. According to Foreman, the National Park Service allowed the Timbisha to live in the village, but agency policy refused them basic rights of existence: they were not allowed to gather firewood, construct improvements to their homes, or modify the land in any way.⁴⁸

The Timbisha could point to a long list of National Park Service shortcomings. The housing situation drew most of their ire. The three Death Valley superintendents between 1960

Indian Village 1981-1982 (Folder 2), P.R.G. 8-8, Death Valley archive.

⁴⁷ The self-determination movement found symbolic manifestation in the Indian occupation of Alcatraz Island in 1969 when members of a number of Indian peoples seized the old prison island and occupied it for nineteenth months; "Memorandum to Those Attending October 18, 1975 Meeting."

⁴⁸ Executive Assistant to the Regional Director, Western Region, to Regional Director, Western Region, Feb. 6, 1975, H-22 Archaeological, Historical Research General, 1973-1975, Death Valley archive.

and 1972 – John Aubuchon, John W. Stratton and Robert J. Murphy – simply ignored the 1957 policy as a result “of its human and political insensitivity,” and the Timbisha wanted the written documents to reflect new national realities. “Aubuchon, he was one of the good ones,” Grace Goad remembered of this superintendent’s relationship with the Timbisha. Nor had the monument offered employment to the Timbisha. Before the mid-1970s, only Charley Shoshone and Ross Bowen had secured work, both in the monument’s maintenance department. At the task force meeting, attorney Bruce Greene from the Native American Rights Fund outlined the historical and fiduciary relationship between the federal government and Native Americans. He noted that the long-standing attempts to include the Timbisha in the monument’s workings, the efforts before 1945 to improve their living conditions, and legal precedent, which together outlined moral and legal National Park Service obligations to assist as soon as possible. There was no justification for the agency to relegate Native Americans living in Death Valley to economic purgatory, Greene exclaimed.⁴⁹

The National Park Service defended its actions, with officials reiterating claims offered in previous meetings with the Indians. Federal regulations limited agency authority. The National Park Service did not have the authority to unilaterally grant land to the Timbisha. Neither the executive branch nor the Department of the Interior could change the boundaries of a national monument without a congressional decree. The National Park Service had a specific mission and it was prepared to help – as long as that help did not interfere with the agency’s

⁴⁹ Superintendent, Death Valley, to Regional Director, Western Region, Oct. 29, 1975, L30 Land Use – Indian Village, 1970-1977, Death Valley archive; Memorandum to Those Attending October 18, 1975 Meeting; Grace Goad interview, Dec. 9, 2002.

overall goals and its authorizing legislation.⁵⁰

The Timbisha and the National Park Service sought common ground. Timbisha attorneys asked if the agency would permit moving the Indian village to a new location and allow new construction if the BIA would fund the work. National Park Service representatives agreed to the possibility, within the framework of traditional agency authority. Superintendent James B. Thompson suggested the National Park Service could be of more help if the community reached a consensus about its needs. If the Timbishas presented the National Park Service with a clear set of goals and objectives, Thompson averred, the agency would do its best to help.⁵¹

Self-determination and the ongoing frustration of the Timbisha led to further efforts to attain title to land in Death Valley. In 1976, under the terms of the Indian Reorganization Act of 1934, the Timbisha filed a petition seeking formal recognition as a community of half-blood Indians. This was more than a little unusual; the designation of half-blood was archaic by the 1970s, but the Timbisha had been seeking legal recourse for almost forty years. Even though the government had deemed them ineligible for this half-blood designation in the 1930s, in 1977, Washington, D.C., judged the Timbisha eligible for that status. Formal designation provided exactly what the Timbisha had always sought, a legal way to access federal resources.⁵²

Soon after, federal services to the band resumed and the government added new ones. The BIA's Home Improvement Program provided funds for the purchase of six mobile homes. The Indian Health Service agreed to provide financing and planning for water and sewage systems for the Death Valley village. The National Park Service encouraged the development,

⁵⁰ Dick Ditlevson to Files, Oct. 22, 1975, L30 Land Use – Indian Village, 1970-1977, Death Valley archive.

⁵¹ Ibid.

and before 1977 ended, the band added eight trailer sites along the eastern side of the village and significantly improved the water system.⁵³

Timbisha success did not improve the poor relationship with the National Park Service. Rightly or wrongly, the Timbisha regarded the National Park Service with wariness; the band still considered the 1957 policy that condoned removal as an assault on their very existence. During December 1977, the Owens Valley Indian Housing Authority complained to Secretary of the Interior Cecil Andrus that National Park Service policy still endorsed gradual elimination of Indian housing at Furnace Creek. Even if the agency did not intend to implement the 1957 order, the existence of the policy remained offensive. Others sympathized. In January 1978, the California Indian Legal Services admonished the agency for adhering to the “outdated, if not illegal” 1957 policy.⁵⁴

By the late 1970s, the general demeanor toward Native Americans of the National Park Service, as well as other federal agencies, was in the middle of wholesale change. The 1960s uproar in environmentalism taught the agency that it had ceased to be master of its destiny. An enthusiastic if not always knowledgeable public had forced the agency to address wilderness in new ways, and that same public also felt very strongly about Indians. Conciliation from a range of federal agencies seemed the best response. In 1978, Congress passed the American Indian Religious Freedom Act, which guaranteed Native Americans the right to use federal lands, including national park areas, for religious ceremonies. Throughout 1979, Congress considered

⁵² William E. Finale to Alice Eben, Aug. 24, 1977, L30 Land Use – Indian Village 1970-1977, Death Valley archive; Peters, “Land Acquisition and Needs Assessment for the Timba-Sha Shoshone Band of Indians,” 3.

⁵³ Superintendent, Central California Agency, Bureau of Indian Affairs, to Donald Spalding, March 21, 1977; Chief Ranger to Files, May 27, 1977, L30 Land Use – Indian Village 1970-1977, Death Valley archive.

the first major piece of archaeological resources preservation since the Antiquities Act of 1906, which added another layer of federal protection for Indian remains and became law as the Archaeological Resources Protection Act of 1979.⁵⁵

Death Valley followed the federal trend. In 1978, the National Park Service agreed to extend its water and sewage systems into the Indian village and began to collect refuse. At the same time, the Indian Health Service and the National Park Service cooperated to provide funds to purchase additional trailers to replace the village's dilapidated housing stock. Government regulations required the Timbisha to have good credit to secure loans for the new mobile homes. Only a handful qualified; even those that did found that their new trailers still were on National Park Service land, assuring that the long-standing tension continued. In an effort to bridge the gap, the agency paid closer attention to the cultural needs of the Timbisha. In June 1979, in conjunction with efforts to attain federal tribal status, park staff and the Timbisha met to determine the level of traditional religious practice in the village. Park officials reported being surprised to find that the Timbisha engaged in little religious activity, a relative measure that may have reflected agency expectations rather than Timbisha practices.⁵⁶ Yet, such moves helped open communications with the Timbisha and began to remove the taint of the 1957 policy.

Despite the improved atmosphere, housing remained a core issue and the source of many

⁵⁴ C.D. Newell to Cecil D. Andrus, Dec. 22, 1977; Stephen V. Quesenberry to James A. Joseph, Jan. 20, 1977, L30 Land Use – Indian Village 1970-1977, Death Valley archive; Superintendent, Death Valley, to Regional Director, Western Region, June 20, 1979, H4217, Historic Preservation, Native America Religious, 1978-1980, Death Valley archive.

⁵⁵ Ronald Foresta, *America's National Parks and Their Keepers* (Washington, D.C.: Resources for the Future, 1984), 59-90; Andrew Gulliford, *Sacred Objects and Sacred Places: Preserving Tribal Traditions* (Boulder: University Press of Colorado, 2000), 185-243.

⁵⁶ Staff Anthropologist to Chief Anthropologist, Jan. 13, 1983, L30 Land Use – Indian Village 1983 (Folder 3), Death Valley archive; Pauline Esteves interview, Dec. 9, 2002; Grace Goad interview, Dec. 9, 2002.

of Death Valley's ongoing problems. Conditions in the village were abysmal, an embarrassment not only to the National Park Service but to anyone who saw them. Superintendent Donald Spaulding, who succeeded Thompson in 1976, described the conditions as "deplorable" in 1977. Between 1978 and 1980, newspaper stories repeatedly publicized the poor housing conditions. Each publication added strife to a tense relationship. In addition, disputes arose over the assignment of the trailer sites that the monument had added in 1977. The miserable conditions endured; in October 1981, NPS Landscape Architect David Geissinger described the abominable conditions in the Indian village in his development planning report on the monument. Geissinger concluded that the need for BIA construction funds stood in the way of solving the problems at the Indian village and encouraged the National Park Service to assent to a permanent village.⁵⁷ As the Timbisha gained control of their fate, Geissinger's approach, which made the National Park Service into a good neighbor while safeguarding monument values, had much merit.

The Timbisha persisted in their strategy of simply staying on their lands, having learned that their presence provided the best claim. "Some of my elders, especially three women, stayed here all winter all summer. They would move close by, but only for a little while, and they would come back again," Pauline Esteves recalled. "And they would say 'we'd better not stay away too long or they're going to tear down our little houses and then what are we going to live in? That would be one way they could get rid of us.'" One of the houses was often empty. As a result, it deteriorated in the desert and children vandalized it. Other Timbisha feared that the National

⁵⁷ Susan Sorrells, "Out of Tourists' Sight, Death Valley Indians Battle for Their Homes," K34 News Media, Newspaper Clippings 1978-80, Death Valley archive; Superintendent, Death Valley, to Files, July 31, 1981; Acting Associate Regional Director, Resources Management, to Regional Director, Region Four, Dec. 2, 1981, L30 Land Use – Indian Village 1981-82 (Folder 2), P.R.G. 8-8, Death Valley archive; Superintendent, Death Valley to Regional Director, March 25, 1977, L30 Land Use – Indian Village 1983, P.R.G. 8-8, Death Valley archive.

Park Service would demolish the house. Esteves' mother "would say 'why don't they come back down here and take care of their house? It's the only thing they've got.' This is our home, even though they have pushed us from over there [Furnace Creek] to here [the current Indian village], they're not going to push us to another place. These people always remembered that and they would say 'we had better just to stay put and don't stay away too long.'"⁵⁸ In the end, that persistence prevailed.

Federal Recognition and the Quest for Land

When the Timbishas received formal status as a tribal government in 1982, they finally attained the legal sanction that gave them greater control of their destiny. On Jan. 4, 1983, after a long process of lobbying, the Timbisha became a federally recognized tribe. The BIA technical report supporting the recognition concluded that the modern Death Valley Timbisha Shoshone band was the direct descendant of Panamint Shoshone groups that inhabited Death Valley when Anglo-Americans arrived in 1849. Ethnographic research determined that virtually all of the 199 members could establish their ancestry conclusively as Shoshone people from the Death Valley area. The group continuously inhabited the area and functioned as a political unit throughout the historic period. Traditional leaders survived as late as the 1940s, it concluded, and the Timbisha retained considerable cultural distinction from surrounding non-Indian populations.⁵⁹

After the Timbisha band secured its legal status, the National Park Service quickly dealt with the newly energized entity with formal standing. In meetings throughout early 1983, the

⁵⁸ Pauline Esteves interview, Dec. 9, 2002.

⁵⁹ 25 CFR 84, Jan. 4, 1983; Deputy Assistant Director, Indian Affairs (Operations), to Assistant Director, Indian Affairs, Feb. 9, 1982, L30 Land Use – Indian Village 1981-82, P.R.G. 8-8, Death Valley archive; "Death Valley Timbi-Sha Shoshone Band of California; of Final Determination for Federal Acknowledgment," Oct. 6, 1982, *Federal Register*, Vol. 47, no. 214.

agency addressed living condition issues in the Indian village. In June, a capstone meeting that addressed Timbisha concerns inspired a National Park Service planning effort. Utility upgrades for the village and housing improvement headed the list. A special study of alternatives for land status, community demography, and needs for improvement of living conditions required a special study. The monument had to address such issues before it could proceed with its *General Management Plan* (GMP). The agency explored ways to include the Timbisha in the actual planning and development of the GMP.⁶⁰

The National Park Service's willingness to include the Timbisha in planning suggested important changes in their relationship. Although sympathy for the Shoshone permeated the monument since the 1930s, the agency never felt compelled to address Timbisha issues. From the Timbisha' perspective, the agency did not pay sufficient attention to its problems until the band attained legal status. By then, the National Park Service operated in a cultural climate that granted Native Americans considerably more significance, and a suite of laws now protected Indian rights. As law mandated cooperation, the agency also became far more willing to assist the Timbisha and meet their needs. Yet tribal status complicated the relationship. The National Park Service had seen itself as supportive of the Timbisha, and in some ways, the new designation pleased monument staff. Yet, tribal status presented a threat. The legislation creating the tribal government allowed that the Timbisha would receive trust land for their reservation, and tribal leaders regarded a permanent land base of their own as the answer to the problems they faced. Potential conflict arose over the question of the size of trust land. The Timbisha anticipated a large homeland. The National Park Service and Department of the Interior

⁶⁰ Summary: National Park Service Timbi-Sha Tribe Relationships Issues Meeting, June 14, 1983, L30 Land Use –

recognized that if such a vision came to fruition, it would likely include not only all of Death Valley National Monument, but much of the Bureau of Land Management domain in the eastern Mojave Desert as well. Although such a vast transfer was an unlikely result of gaining tribal status, it clouded the perspective of the groups and led to a fresh wariness.⁶¹

From the National Park Service's perspective, the Timbisha required considerable assistance. An isolated, young population, with more than half its members less than thirty years old, the Timbisha were "impoverished, unskilled, isolated from employment opportunities, [and] unsophisticated about modern political behavior and institutions," one National Park Service observer noted early in 1983. The Indian village, in this assessment, had failed as an income-producing attraction, and its residents were in dire need of direct assistance. The National Park Service very much wanted conditions in the Timbisha village to improve and officials were willing to help. The National Park Service had only one stipulation: that the Timbisha conform to agency policy in running the village. This became an enormous cultural issue to surmount, with the National Park Service in essence demanding control of the Indians' internal affairs in its effort to protect monument values.⁶²

In the National Park Service's assessment, ownership of monument land was the primary issue. The agency had long labored to establish the premise that national park lands were inviolable. A generation of statute defended the principle, although rarely against claims of Indian sovereignty, and the agency reflexively defended this principle. Throughout the country,

Indian Village 1983, P.R.G. 8-8, Death Valley archive.

⁶¹ Superintendent, Death Valley National Monument to Western Regional Director, March 17, 1983; Staff Anthropologist to Chief Anthropologist, Jan. 13, 1983, L30 Land Use – Indian Village 1983 (Folder 3), P.R.G. 8-8, Death Valley archive.

National Park Service officials worked hard to eliminate inholdings, tracts of private land surrounded by national park areas. In the previous decade, the National Park Service had cleaned up much of the mining land in Death Valley. From the agency view, a reservation in the monument, while ultimately a tenable solution to the Timbisha question, amounted to a step backward. It created a new inholding over which the agency could exercise only minimal control. In contrast, the Timbisha remained adamant about a formal reservation. Much of their misery, they thought, stemmed directly from being landless throughout the twentieth century. The tribe went to great lengths to remain in Death Valley and even greater efforts to attain formal tribal status as a prerequisite for the assembly of a permanent land base. In Death Valley, trust lands for a reservation could only come from the monument's holdings. In 1983, the Timbisha could not persuade the National Park Service to support the creation of independent trust lands within monument boundaries, but the agency did recognize that a valid claim to the village existed. At the same time, the monument granted another in the long line of five-year renewable use permits, continuing the status quo that had been the source of so much mistrust even it as promised a sincere effort to resolve the situation.⁶³

Park officials clearly understood that the Timbisha intended to pursue a permanent land base. The tribe sought not only the existing forty-acre parcel, but also an adjacent forty acres, which would provide enough shaded area to protect their trailers and keep its members away from public view. The Timbisha band had mostly lived in Furnace Creek from November to

⁶² Staff Anthropologist to Chief Anthropologist, Jan. 13, 1983; Superintendent, Death Valley to regional Director, June 10, 1983; David Geissinger to Regional Director, Western Region, June 27, 1983; L-30, Land Use – Indian Village, Death Valley archive.

⁶³ Superintendent, Death Valley National Monument to Western Regional Director, March 17, 1983; Deputy Assistant Director, Indian Affairs (Operations), to Assistant Director, Indian Affairs, Feb. 9, 1982; Edwin L. Rothfuss to Pauline Esteves,

June; they hoped to become year-round residents in permanent housing instead of trailers. They sought a second parcel of land near Fish Lake Valley, California, where some of the group spent their summers.⁶⁴ Possession of both parcels guaranteed that the Timbisha could continue their historic patterns of seasonal movement.

Infrastructure in the village posed an ongoing problem. The existing utility system serviced only part of the Timbisha community. The first houses that received electricity were mobile homes on National Park Service land; Pauline Esteves estimated that the Timbisha first turned on their lights in 1978. In June 1983, National Park Service, BIA, and Timbisha representatives met to find a way to provide electricity to the rest of the village. The National Park Service made an important concession in support of this goal. Officials agreed to permit aboveground transmission lines instead of requiring the preferred underground method. The difference in cost, from \$50,000 – which was not available – to \$7,000, made the project possible.⁶⁵ Even though the power lines were away from the main visited areas in the monument, they still had the potential to become a precedent that agency officials perceived could negatively affect Death Valley. Helping the Timbisha and other park management goals again revealed the potential for conflict.

Other issues stood in the way of a final agreement. The Timbisha resented paying for utility services provided to the village. If it was indeed their land, the community argued, then the resources were theirs as well, and the National Park Service was asking them to pay for what

Nov. 2, 1983; Larry Beal, preparer, “Task Directive: Timbi-Sha Planning Alternatives Study,” Package No. 360, August 1983, 2, all L30 Land Use – Indian Village 1983, P.R.G. 8-8, Death Valley archive.

⁶⁴ Director to Regional Director, Region Four, June 8, 1983, L30 Land Use – Indian Village 1983, P.R.G. 8-8, Death Valley archive.

⁶⁵ Superintendent, Death Valley, to Regional Director, Region Four, June 10, 1983, L30 Land Use – Indian Village 1983, P.R.G. 8-8, Death Valley archive; Pauline Esteves interview, Dec. 9, 2002.

belonged to them. Some Timbisha refused to pay monthly fees for water service, claiming that because their presence preceded the monument, its water belonged to them. During 1985, most village residents refused to pay the monthly agency utility bills for trash pickup. The National Park Service threatened to stop providing service. To resolve the problem, the tribal council agreed to pay utility bills in a January 1988 memorandum of agreement. Payment was not always forthcoming. In 1990, a portion of the past due sum was turned over to the Internal Revenue Service for collection. In January 1992, the Timbisha owed more than \$13,000 in utility payments.⁶⁶

The five-year permit system also remained a point of contention for the Timbisha. “They resent,” one observer noted, “asking the National Park Service for permission to do almost anything.” The Timbisha regarded the National Park Service as an adversary and assumed that their requests would be routinely denied, yet they lived in the village under authority of NPS Special Use Permits. In October 1985, on the advice of an attorney, village residents refused to renew their permits, in effect residing in the monument without legal authority. This decision was controversial and provocative, but addressed primary issue from the Timbisha perspective: their right to be in Death Valley. In the end, it opened the way to resolution.

Despite the best efforts of both parties, anything less than a reservation was not going to satisfy the Timbisha. In 1993, the Indian village, where as many as 50 of the 200 Timbishas lived, consisted of seven rehabilitated adobe houses, ten mobile homes, and two tribal buildings. The National Park Service and the tribal council worked on several land use agreements to authorize interim tribal occupancy of the village. Timbisha objectives were clear: they wanted a

⁶⁶ Beal, “Task Directive: Timbi-Sha Planning Alternatives Study, Package No. 360.

land transfer to create a permanent reservation. The National Park Service proposed a long-term lease, from 25 to 99 years, which agency officials suggested would make the tribe eligible for federal funding. Tribal representatives disagreed, and throughout the late 1980s and early 1990s, the Timbisha and the National Park Service struggled to reach an accommodation. The National Park Service offered a series of alternatives that included five-year renewable permits, long-term leases, support for the establishment of a bona fide reservation, or relocating the Timbisha outside the monument. The agency's administrative authority allowed it to implement any alternative except establishment of a reservation. Congress had to vote on a reservation. In the end, objectives were antithetical. The National Park Service wanted to preserve its land base; the Timbisha sought to acquire land. The division seemed irreconcilable.

Part of the problem stemmed from the politics of lands owned by the U.S. government. Most federal land management agencies, especially the National Park Service, found themselves engaged in a zero-sum game of land acquisition. The National Park Service had long been an aggressor in the search to acquire land from other agencies. After World War II, it enjoyed a firm base in rural America and began to concentrate its efforts in urban areas. Claims for hard-won agency lands met with firm opposition even when claimants had a long and legitimate connection to the land. Neither the agency nor the Timbishas would relent. In the end, outside political forces compelled the creation of a Timbisha homeland.

The California Desert Protection Act of 1994

The California Desert Protection Act of 1994 (P.L. 103-433) became the catalyst for the resolution of the Timbisha land question. The very legislation that enlarged and upgraded Death Valley to national park status also included the stipulation that the Timbisha would receive a

share of the National Park Service's benefits. Section 705(b) of the CDPA directed the secretary of the interior to identify lands suitable for a Timbisha reservation, "located within the Tribe's aboriginal homeland area within and outside the boundaries of Death Valley National Monument and the Death Valley National Park."⁶⁷ The legislation also required the National Park Service to create employment opportunities for Timbisha people. The issues between the tribe and the park had become so significant that Congress embedded this solution in the enabling act, instead of handling it separately in other acts or amendments. Congress seemed to say that the price of national park status for Death Valley was a Timbisha homeland. It was a fitting solution to what had become a long-standing controversy. To attain its primary objective at Death Valley, the National Park Service had to cede enough land to solve the Timbisha question.

The CDPA included a promise of resolution of the Timbisha situation, but securing final arrangements proved more difficult than anticipated. Resolution began with ebullience, a sense of real possibility. In the first post-CDPA meeting, "a cast of thousands" filled the auditorium at the park, Death Valley National Monument Chief of Resource Management Linda Greene remembered. The initiation of the Secretary of the Interior's study of the Timbisha question attempted to attain a high level of participation from all the constituencies involved in the question. Everyone was present that day. The media was out in force; also represented were the Timbisha people, other native groups, national conservation and environmental organizations, and many others. The myriad constituencies and the level of participation reflected the magnitude of the questions at stake. With such attendance, it seemed that dialogue, however

⁶⁷ California Desert Protection Act of 1994 (P.L. 103-433), Section 705B; *Draft Legislative Environmental Impact Statement: Timbisha Shoshone Homeland* (April 2000), Death Valley archive; Darlington, *The Mojave*, 7-9, 313-14.

difficult, would bring resolution.⁶⁸

As was often the case, the path to a solution was not that simple. The National Park Service shut down the process and in 1995, feeling ignored since the passage of CDPA, the Timbisha met with federal officials and presented their proposal for 850,000 acres of reservation land. The large size of the proposal was exactly what the Park Service and other land managers feared. At the same time, the Timbisha discovered a proposal put forward by the CR Briggs Mine. The project, two miles from the national park, planned a cyanide heap-leach gold mine, the most environmentally destructive kind of mining, in the Timbisha homeland. Feeling that the mine owners and government agencies had not adequately advised them of the proposal, the Timbisha people asked Secretary of the Interior Bruce Babbitt to halt mining. The Department of the Interior did not take action on either Timbisha request. Despite powerful statutory provisions for a Timbisha homeland in Death Valley, in March 1996, after extended planning efforts, Babbitt announced that his department would no longer consider the question of trust lands within Death Valley National Park. After Babbitt's decision, the Timbisha believed that the Park Service had written them out of the park.⁶⁹

Recognizing the vulnerability of federal agencies to negative public opinion, the Timbishas mounted a campaign to bring their plight to public attention. They proceeded on both the homeland and mining issues simultaneously, proposing what became known as the Timbisha Shoshone Death Valley Land Restoration Project. They also asserted that the gold mine illegally

⁶⁸ Linda Greene, interview by Hal Rothman, March 22, 2004.

⁶⁹ "Urgent Request for Support: Death Valley Shoshone California Timbisha Shoshone Tribe Face Eviction," ca. 1996; Timbisha Shoshone, Death Valley Land Restoration Project, "Secretary Babbitt Promises to Throw the Timbisha Shoshone off its Ancestral Tribal Homeland in Death Valley," American Indian Liaison Office, National Park Service, Timbisha Shoshone Homeland Act Records; Steven Haberland, "Government-to-Government Negotiations: How the Timbisha Shoshone Got its Land Back," *American Indian Culture and Research Journal* 24:4 (Winter 2000): 127-65.

received a permit to operate because the Bureau of Land Management (BLM), which administered the land leased for the mine, had not engaged in inadequate consultation and review. The Timbisha sued the BLM. The tribe also helped form a group, the Alliance to Protect Native Rights in National Parks, to bring more national attention to their situation. Between 1996 and 1999, the Timbisha consistently applied pressure to draw attention to their claim. In 1996, the band asked President Bill Clinton to stop the National Park Service from further studying the mine issue. It also sued Inyo County, California, where the mine was located, arguing that the proposal did not meet California's environmental regulations. The lawsuit proved unsuccessful, but it began to alter the negotiating climate.⁷⁰

A change in leadership at Death Valley contributed greatly to the resolution process. National Park Service Regional Director John Reynolds always had been deeply interested in the situation, and with his coaxing, the agency's Washington office became involved, showing a degree of desire for compromise. Death Valley Superintendent Richard Martin supported the process, throwing his energy into finding a solution. The Park Service again returned to the table, willing at last to cede a land base to the Timbisha. By 1999, the issue of securing land for the Timbisha approached resolution. An environmental impact statement for the new desert planning process was in preparation, and the Department of the Interior and the Timbisha held hearings in Pasadena and throughout eastern California on the jointly developed plan. The proposal seemed to resolve most issues. The two sides further worked out its details in a series of meetings. While the proposal did not yield the 850,000 acres the Timbisha originally sought, its nearly 8,000

⁷⁰ N.A., "Timbisha Shoshone Death Valley Land Restoration Project," Haberfeld, "Government-to-Government Negotiations," 133-36; Robert J. Paton, "Landless California Tribe May Get a Home," *Indian Country Today*, July 13, 1995; Martin Forstenzer, "Indian Tribe Challenges Plan for Gold Mine," *Los Angeles Times*, July 20, 1995, 17.

acres of trust land and 1,000 acres of shared-use lands were a substantial concession by the Park Service. In April 2000, the Park Service unveiled a comprehensive plan to establish a permanent homeland in the *Draft Legislative Environmental Impact Statement* (DLEIS).⁷¹

The DLEIS recommended transferring 7,500 acres in trust to the Timbisha Shoshone Tribe as a permanent reservation. That acreage included 314 acres at Furnace Creek from Death Valley National Park. The BLM managed the remaining 7,200 acres at Death Valley Junction and Centennial, California, and at Scotty's Junction and Lida, Nevada. The report also acknowledged Timbisha ceremonial practices and provided for access to and traditional use of sacred areas. This included a recommendation to designate part of western Death Valley National Park as the Timbisha Shoshone Natural and Cultural Preservation Area. Inside this proposed area, the National Park Service authorized low-impact, environmentally sustainable tribal traditional uses, activities, and practices. The Timbisha, National Park Service, and BLM viewed the designation as a way to recognize common interests. Examples of traditional tribal uses, practices, and activities included seasonal Timbisha camping, and gathering piñon nuts and other plants for medicinal purposes. The taking of park wildlife remained impermissible.⁷²

On Nov. 1, 2000, President Clinton signed the Timbisha Homeland Act, the bill that ended nearly seventy years of Timbisha dispossession. The government implemented CDPA, and the Timbisha had what they most desired, a land base that was theirs alone. On Jan. 20, 2001, a celebration in the Timbisha village acknowledged the long struggle for land. Tribal

⁷¹ Draft Legislative Environmental Impact Statement, 5; Clifford, "Tribes Bid to Control Parks," *Los Angeles Times*, Nov. 25, 1995; Frank Clifford, "U.S., Death Valley Indians Strike a Unique Land Deal," *Los Angeles Times*, Feb. 25, 1999; "Dividing Death Valley," *Sacramento Bee*, Aug. 7, 1999; Habersfeld, "Government-to-Government Negotiations, 149-59; Linda Greene interview, March 22, 2004.

⁷² Draft Legislative Environmental Impact Statement, 5; William Claiborne, "Bigger Role for Death Valley Tribe," *Washington Post*, April 6, 1999; "Timbisha Shoshone Can Return to Homelands," *Indian Country Today*, April 26, 1999.

elders recognized those instrumental in crafting this legislative triumph. Pauline Esteves presented attorney Peter Taylor with a handmade stone tomahawk, and Steven Habermeld of the Indian Dispute Resolution Service received arrows. A number of women sang traditional Shoshone songs and a barbeque fed the revelers. After hours of dancing, the party broke up and the Timbishas went back to sleep in their same homes . . . now on their own land.⁷³

The Timbisha homeland created new obligations for the National Park Service, especially in resource management. The right to exercise use of park natural resources encouraged the tribe to begin traditional models of care on mesquite trees in the Furnace Creek alluvial fan. The mesquite stands were in a sorry state; the upper reaches of the fan had been harvested or the trees had died off, possibly because of the diversion of floodwaters upstream in a flood-control canal. Near Furnace Creek, mesquite had not been very successful either. Researchers attributed this to a lack of regular flooding, which did not allow mesquite seeds to spread and germinate. They confirmed this hypothesis when they noticed the large amounts of sand and organic material at the base of the trees as well as little evidence of the surface flooding common around the base of mesquite trees in primary floodplains.⁷⁴

The Timbisha desire to research, monitor, and use the mesquite trees in Furnace Creek represented one of the primary directions of natural resource management for Death Valley National Park. Timbisha primacy and their traditional patterns of use of natural resources linked them closely to natural resource management decisions at the park. Death Valley supervisors had

⁷³ Linda Saholt, "Timbisha Celebrate Victory," *Native News*, Jan. 21, 2001; "Timbisha Celebration and General Council Meeting a Success," *Nagkawittu* February 2001 special edition, 1.

⁷⁴ Bill Helmer to Linda Greene, November 27, 2001; Guy DeMeo, Todd Esque, and Dan Bright, "Project Proposal for Evaluating Biological, Physical, and Cultural Influences on the Fitness of Mesquite Trees at Furnace Creek, Death Valley National Park, Inyo County, California," U.S. Geological Survey, Water Resources Division, Nevada District Office, July 8, 2002, 1-4.

to accommodate Timbisha desires and objectives, reshaping facets of management into cooperative arrangements that reflected many of the unique dimensions of Death Valley National Park.

The relationship between the Timbishas and the Park Service continued to evolve. Many in the National Park Service believed that the agreement was reached because “the right time in history” finally arrived, that a “new level of consciousness had been reached,” in the words of Linda Greene. The National Park Service attained new sensitivity to native concerns, but after nearly seventy years of mistrust, the gulf could remain large. “I think that was their plan, that one day we would all vanish,” Esteves observed. Instead, the Timbishas stayed, and by staying, asserted their rights in a way they could not have from even from a nearby location. The Park Service learned to give grudging respect to these hardy people in their midst, and the Timbisha slowly began to trust the agency. “In some cases, we still have to keep reminding them on the different things that we are working on, but they seem pretty receptive,” Esteves remarked in 2002. “I think that in time they will come around.”⁷⁵

The history of the relationship between the Timbishas and the National Park Service at Death Valley National Park tells a complicated story, which from the agency’s perspective shows a continual evolution. From the federal government’s dominance of the 1930s to the partnership arrangement that agreed finally to cede land to the Timbisha, the National Park Service mirrored the changes in U.S. perceptions of Native Americans and their rights in the twentieth century. No longer could the agency behave in a dominant matter; as with other issues, but especially in the case of Native Americans, the National Park Service learned to be flexible

at Death Valley. Protecting resources sometimes meant including different perspectives. By the time circumstances compelled the two sides to resolve the issue of land, the lessons of Death Valley were applicable throughout the national park system.

⁷⁵ Pauline Esteves interview, Dec. 9, 2002; Linda Greene interview, March 22, 2004.

Chapter 6:

Interpreting Death Valley

Interpretation at Death Valley National Monument and its successor, Death Valley National Park, presented the National Park Service with an array of complicated challenges. The way Death Valley offered its interpretive services differed from many of the units that comprise the national park system. The desert park was large, as were most natural areas, but Americans expressed indifference and even apathy toward deserts for much of the twentieth century. The National Park Service historically conceived of national monuments as cultural or archaeological in character; when natural national monuments had spectacular features, the agency usually targeted them for a rapid elevation to national park status. This put interpretation on the defensive from the outset. Even more, the immense diversity of Death Valley's cultural and natural resources meant that any interpretive scheme had to present numerous themes. The large number of entry points to the monument complicated the process of coherently presenting the agency's message. Visitors entered and existed from so many places that it was hard for the National Park Service to track their movements and serve their interests. Nor did the agency have an easy place to centralize its interpretive functions. At its founding, Death Valley National Monument was the agency's major representation of the American desert, the initiator of a trend, and a park that was supremely important to the National Park Service leadership. At the same time, the agency's experience with interpreting such themes was limited.

As American tastes changed, Death Valley National Monument came to represent significant themes in National Park Service interpretation. Before World War II, interpretation of the desert seemed quixotic. The region's human history was unusual and even bizarre, and the minor fascination Americans had for deserts typically focused on the famed Twenty-Mule Team

Borax or on the Westerns filmed with desert backdrops. Only after World War II and the advent of air conditioning could Americans easily appreciate the desert's starkly beautiful landscapes. As the environmental revolution took shape in the 1950s and 1960s, desert landscapes offered the advantage of solitude. They became, in effect, emblems of an earlier America, lost in the aftermath of industrialization. Desert vistas long had little claim on the national imagination; that changed as the national parks filled with visitors, cities and suburbs expanded, and wild land seemed lost in the muscular economic growth of the post-war era.¹

The transformation of the desert from afterthought to place of solitude after the 1960s sparked new National Park Service efforts at explaining the regional environment. Ever responsive to the public, the agency sought to respond to the changing values embodied in the national embrace of conservation and the new appreciation for the desert. As more reliable automobiles, the most luxurious with air-conditioning, and four-wheel drive vehicles made exploration of the desert more feasible, the National Park Service sought to continue its long success in conveying the essence of places to the public. Death Valley National Monument, once an interpretive curiosity, became central to the conception of presenting the desert environment as an interpretive theme.

The Roots of Interpretation

Interpretation in the National Park Service had evolved from simple beginnings. In the 1920s, the first attempts at national park interpretation began. After its establishment, the National Park Service focused on acquiring and developing parks and monuments. Agency

¹ Adam Rome, *The Bulldozer in the Countryside: Suburban Sprawl and the Rise of American Environmentalism* (New York: Cambridge University Press, 2001), 119-52; George H. Hildebrand, *Borax Pioneer: Francis Marion Smith* (San Diego: Howell-North Books, 1982), 1-15; Mark W. T. Harvey, *A Symbol of Wilderness: Echo Park and the American Conservation Movement* (Albuquerque: University of New Mexico Press, 1994), 1-17; Eric Goldman, *The Crucial Decade – and After: American 1945-1960* (New York: Random House, 1960), 4-15; Kenneth Jackson, *Crabgrass Frontier: The Suburbanization of the United States* (New York: Oxford University Press, 1985).

officials had not yet accepted the idea that national parks needed explanation. They assumed that the public responded emotionally rather than intellectually to their surroundings. Indeed, the features that grabbed the public's attention – the Grand Canyon, Yosemite's Bridal Veil Falls, and Mount Rainier – needed little in the way of explanation. They evoked a powerful emotional response in almost every visitor.²

As the National Park Service broadened its constituency, the agency recognized that it could build stronger ties with visitors by engaging them in educational activities. In essence, the National Park Service ceased to trust that an emotional response would build long-term support for the agency and its programs. To strengthen support for its programs, the National Park Service developed a structure that did more with the parks, and education became a primary avenue to achieve such ends. Although the archaeological character of national monuments more naturally lent itself to educational explanation, many of the larger national parks logically adopted nature as their dominant interpretive theme. In 1920, the National Park Service debuted interpretive schemes for Yellowstone and Yosemite national parks. The agency closely linked museums to this program, and at both parks, private funding allowed for museum construction soon after the introduction of an education program. By 1930, both parks and Grand Canyon possessed impressive museums. Other parks, such as Mesa Verde and Lassen, also had privately funded museums run under agency sponsorship. Interpretive lectures, hikes, and guided tours also began in the 1920s in most major parks.³

By the start of the New Deal in 1933, the National Park Service had a nascent tradition of

² Hal K. Rothman, *Devil's Bargains: Tourism in the Twentieth Century American West* (Lawrence: University Press of Kansas, 1998), 41-55, 114-17.

³ Barry Mackintosh, *Interpretation in the National Park Service: A Historical Perspective* (Washington, D.C.: Government Printing Office, 1986), 9-17; Hal K. Rothman, *Preserving Different Pasts: The American National Monuments* (Urbana, IL: University of Illinois Press, 1989), 173-78.

nature interpretation to match its park museums. The agency's creation in that year of a Division of Education under the leadership of Dr. Harold C. Bryant, a former director of education for the California Department of Fish and Game, furthered interpretation in the system's natural areas. Bryant had worked with Yosemite since the inception of interpretation there, and he brought similar plans to other natural national parks. Bryant held a doctorate in zoology and spent more than a decade with the California Department of Fish and Game. His programs emphasized the interpretation of nature, and even before the New Deal, Bryant's division developed not only museum displays, but also wayside exhibits, and other endeavors.

Bryant's views clashed with another powerful advocate of education, Frank "Boss" Pinkley, superintendent of Southwestern National Monuments. An acerbic and sometimes martinet-like figure who administered a loose collection of monuments from his base at Casa Grande National Monument in Arizona, Pinkley dominated educational programming in the national monuments. Starting in the early 1920s, he developed education programs at his archaeological sites, providing an important counterpoint to the main current of nature interpretation that was on the rise in the National Park Service. Pinkley's sharp temper and strident advocacy led to conflict with Bryant and the agency's Division of Education. Pinkley and Bryant soon developed serious animosity, and Bryant supported little educational work in national monuments and none in the Southwest. By 1933, the rivalry was so intense that it hurt the initial chances for interpretation at Death Valley National Monument. Pinkley had programs but almost no funds. Neither Col. John R. White, the superintendent at both Sequoia National Park and Death Valley, nor Theodore Goodwin, the first on-site superintendent at Death Valley, could expect much help from Bryant's educational division.⁴

⁴ Mackintosh, *Interpretation in the National Park Service*, 9-17; Rothman, *Preserving Different Pasts*, 174-83.

Building Interpretation at Death Valley

During the 1930s, Death Valley National Monument officials paid little attention to interpretation. Before the National Park Service could interpret the monument, visitors had to be able to reach the site. Agency administrators concentrated on developing roads and infrastructure before they considered explaining the monument's features. The Civilian Conservation Corps (CCC) provided most of the labor for such endeavors, but the small monument staff kept busy designing projects and overseeing CCC work. Created as part of the federal government's response to the Great Depression, CCC engaged in construction activities throughout the park system.⁵ The monument took advantage of such funding to build an administrative structure and other facilities. Only once the basic National Park Service accouterments were in place, agency officials thought, could they begin to consider interpretation.

Late in the decade, the National Park Service began to develop an interpretative process at Death Valley. To that point, agency officials found the monument difficult to categorize. Agency directors Stephen T. Mather and Horace M. Albright, who left the National Park Service in 1933 but remained a powerful influence on it, both had personal attachments to the desert area. Albright thought Death Valley stunning as a natural area and valuable as a historic resource; despite his appreciation of the desert, Mather remained reticent because of his involvement in the region's borax industry. He leaned toward viewing the area in historic terms. Superintendent John White had championed Death Valley's scenery since before establishment, yet he held a minority view. Most agency planners and leaders such as Arno B. Cammerer, Albright's successor, did not appreciate the desert in the same manner as the scenic mountaintops of Grand Teton or Mount Rainier. Although Death Valley was clearly a "natural"

⁵ John C. Paige, *The Civilian Conservation Corps and the National Park Service, 1933-1942* (Washington, D.C.:

park in the agency's way of measuring, its natural features were not the focus of the American imagination about nature in that era.⁶

The beginning of interpretation at Death Valley resulted chiefly from the commitment of one individual, Park Naturalist Donald Curry. He arrived in 1934, and for the next four years, comprised the entire interpretive program at the monument. Curry delivered nightly lectures and slide presentations at different locations, in some instances at the private recreation hall at the Furnace Creek Camp, occasionally at Pacific Coast Borax's Furnace Creek Inn, and even at Stove Pipe Wells Hotel. Curry found that Death Valley fascinated visitors. "It may be that Death Valley's romantic past is largely responsible for bringing many visitors," Curry informed his superiors. "Once here they are agreeably surprised. They expect to find a dreary hell-hole . . . something to satisfy a somewhat morbid curiosity. Instead they enjoy its sunny winter weather, its sense of bigness, its riotous and unequaled color, in the barren mountains and inspiring vistas, its superlatives of one degree or another."⁷ A naturalist by training, Curry began the interpretation of Death Valley's natural features.

Curry's one-man effort mirrored the situation throughout the national park system at the time. Even as he served as the monument's only interpreter, Curry engaged in the first survey of Death Valley and in other administrative activities. The one-person staff assured that only a small percentage of visitors heard his programs. Nor did he have the advantage of a comprehensive library or collections to support his talks. Worse still, commercial operators in privately owned structures controlled the spaces in which Curry lectured. On occasion, Curry's

National Park Service, 1983), 7-32; Harlan D. Unrau and G. Frank Williss, *Administrative History: Expansion of the National Park Service in the 1930s* (Denver: National Park Service, 1985).

⁶ T. R. Goodwin to the Director, July 27, 1938; Alfred Runte, *National Parks: The American Experience* (Lincoln: University of Nebraska Press, 1987) second ed., 33-49; Horace M. Albright as told to Robert Cahn, *The Birth of the National Park Service: The Founding Years, 1913-1933* (Salt Lake City: Howe Brothers Press, 1985), 204; Donald C. Swain, *Wilderness Defender: Horace M. Albright and Conservation* (Chicago: University of Chicago Press, 1970), 311-12.

program became a sideshow for the private interests that provided space for his lectures. In one instance, hoping to stimulate business for another Pacific Coast Borax Company venture, an employee showed a promotional film for a Montana dude ranch before Curry's presentation. "We are entirely at the mercy of the Pacific Coast Borax Company," Superintendent Goodwin observed, "and I do not think we should be under any obligation to private property owners for our activities." The National Park Service did not truly control interpretation at Death Valley, creating the impetus for facility development. "The need for a Museum in Death Valley National Monument is imperative," Goodwin insisted in 1938.⁸

The New Deal created the context in which the National Park Service could begin to fulfill Goodwin's expectations. The programs designed by President Franklin D. Roosevelt permitted the National Park Service to develop educational offerings as well as create the facilities in which to house them. A reorganization of federal bureaucracies in 1933 added historic parks and battlefields to the park system, and the agency quickly absorbed existing facilities and added new ones. CCC resources built museums throughout the system, completing more than thirty new museums by 1939. That year, seventy-six museums graced national park units, with more than one-third housing permanent exhibits. The National Park Service established a Museum Division in 1935, recognizing the importance of museums to the idea of education and constructing facilities to build exhibits. The Western Museum Laboratory, in Berkeley, California, designed exhibits for western parks. New Deal money also let the National

⁷ Project NMDV-B-4, Master Plan Sheet, D34 Buildings, PRG 13-6, Death Valley archives.

⁸ T.R. Goodwin to Director, June 7, 1938, Box 281 File DNM 620-46, National Archives and Record Administration, Pacific Region—San Bruno (hereafter NARA-SB); Project NMDV-B-4, Master Plan Sheet, D34 Buildings, PRG 13-6 Death Valley NP archives; T. R. Goodwin, "Memo to Mr. Vint in re: proposed Development at Death Valley N. M.," May 9, 1939, Death Valley Files, Administration Sites 601-01, Box 278, NARA-SB; Goodwin to Director, June 7, 1938, Death Valley Files, Box 281 File DNM 620-46, Museum, NARA-SB.

Park Service hire historians, archaeologists, and others who could assist in interpretation.⁹

Death Valley officials recognized that a museum provided the fastest way to initiate interpretation at the monument. White and others had argued for a museum since establishment, and in 1938, four years after Curry began his impromptu interpretation programs, the monument drew up a plan for a combined headquarters and museum. Death Valley would dedicate one room and a portion of the lobby to education. Later modifications separated the administration building and the museum, in part because of Goodwin's strong feeling that Cow Creek, where the multipurpose structure was to be located, was the wrong site for the museum. In Goodwin's view, four miles distant, Cow Creek was too far from Furnace Creek. No one would travel from Furnace Creek for an evening lecture or to visit a museum, he thought. "The ideal solution," he insisted, "would be a building located on monument property, east of Furnace Creek Ranch where it would be passed by practically every visitor and within walking distance of the Public Camp as well as the Furnace Creek Inn and Ranch." He envisioned a large building, with an auditorium and two long, U-shaped colonnades, which could be closed in to expand the structure.¹⁰

Goodwin's ideas became entangled with development of Death Valley's administrative structure, slowing progress toward a museum. The original monument planning document, the 1934 *Master Plan*, remained the standard for development. It contained a combined administration-museum facility that National Park Service personnel ratified in a subsequent series of blueprints. When architects looked at the planning history at Death Valley, they

⁹ Paige, *The Civilian Conservation Corps and the National Park Service, 1933-1942*, 103-16; John Ise, *Our National Park Policy: A Critical History* (Baltimore: Johns Hopkins University Press, 1961), 200-01; Mackintosh, *Interpretation in the National Park Service*, 45-46.

¹⁰ T. R. Goodwin to Director, June 7, 1938; R. D. Waterhouse, "Memo for the Regional Director, Region IV, June 1, 1939, Box 281 File DNM 620-46 Museum, NARA-SB.

determined that Goodwin wanted more than the National Park Service genuinely could expect to provide. Ernest A. Davidson, an architect in the regional office, thought that dividing the administration building and the museum was detrimental to the monument because it separated the agency's best and most-loved attribute, its ability to educate the public, from its position as the responsible authority in the area. Davidson suggested that the museum and administration building remain together at Cow Creek, and that the agency build an information booth with a patio or small amphitheater around it to facilitate evening lectures and remove the problem of dependence on private resources. Goodwin argued for the major facilities at Furnace Creek, leaving only the CCC camp and utilities at Cow Creek.¹¹

By 1939, the monument and the regional office had not agreed upon an acceptable plan for the Death Valley museum. Dorr Yeager of the Museum Division supported Goodwin, insisting that Furnace Creek was the only location for any kind of interpretive facility. Ernest Davidson disagreed. "There is great value," Davidson insisted, "in locating a museum at Government Headquarters area, rather than locate it within what actually functions as the Operators area." Regional architects argued that the proposed lecture circle and information booth met that need and that the real development should be at Cow Creek. The debate stymied the development of the facility.¹²

Early Museum Planning

In 1939, Curry developed a preliminary museum plan. The only veteran of interpretation at the monument, Curry offered his experience as the most useful guide. He observed that Death

¹¹ Earnest A. Davidson, "Memo to Mr. Vint: Proposed Development at Death Valley N.M.," May 17, 1938, Box 281 File DNM 620-46 Museum, NARA-SB; DV 3008-J, Jan. 18, 1939, Box 254, File DNM 601-01, Administration, NARA-SB; Goodwin to Director, Jun 7, 1939.

¹² Earnest A. Davidson, Memorandum for the Regional Director, May 25, 1939; Dorr G. Yeager, Memorandum for the Regional Director, Region IV, June 15, 1939, Box 281 File DNM 620-46 Museum, NARA-SB.

Valley's features were substantially different from most of the national park system. Its immense landscapes, varied terrain, and complex ecosystem accentuated the need for a fixed interpretive site. Seeking to unify nature and culture in the monument's presentation, Curry recommended making the geological history of Death Valley the entry point for the monument's subthemes. Visitors had been enthusiastic about historical themes such as prehistory and Indian culture and borax mining; geology completed the picture of the monument's past and provided a context for understanding subsequent human behavior, he suggested.¹³

Curry sought better ways to deliver information to visitors, settling on a museum as the essential component. The nightly interpretive talks and slides had been the hallmark of monument programming to date. His proposal focused on creating museum displays. More than anything, Curry wanted space to offer lectures that did not belong to concession operators. In his view, a museum served as the centerpiece for educational activities, and there the National Park Service could highlight the monument's natural and cultural assets in a permanent manner. Recognizing the obvious constraints, Curry proposed a building of moderate size. Three exhibit rooms would house exhibits, one each for the monument's geological, historical, and biological stories. The proposed building also included central office space for information, education, and artifact protection. The plan included shell-rooms to facilitate future expansion. A large lecture hall, display rooms, enough space to store collections and artifacts, lab space, and office space were all considered essential. In keeping with the dominant National Park Service Rustic style, commonly called "parkitecture," he proposed that architects design the building as an adobe rancheria. As was typical in the 1930s, the entire proposal relied on the CCC for construction.¹⁴

¹³ Death Valley National Monument Museum Prospectus, First Revision, Sept. 15, 1942, Death Valley files, Box 281 File DNM 620-46, Museum, NARA-SB; Unrau and Williss, *Administrative History*, 1-37.

¹⁴ Superintendent's Annual Report, 1939; Ethan Carr, *Wilderness By Design: Landscape Architecture and the*

The desire to construct the museum resulted from two different circumstances. The New Deal provided resources for capital development, and a museum fit easily within the range of Death Valley's goals. At the same time, staff personnel recognized that other types of interpretation were inadequate at Death Valley. The National Park Service had to fight for visitors' attention. The agency did not greet visitors at Death Valley; that task fell to the Furnace Creek Inn and to operators at other monument entrances. Roadside markers and the guided tours favored by archaeological interpretation advocates told only part of the monument's natural and human stories. Communication of the monument's message required more comprehensive treatment.

The emphasis on a broadly told story at Death Valley foreshadowed the history of natural national park area interpretation. Unlike national parks such as Yellowstone and Yosemite, Death Valley integrated its interpretation themes from the outset. Few of its features alone commanded the interest of the public, forcing the National Park Service to extend beyond its norms when it created a program. Death Valley and a number of similar monuments established in a small window of time, Joshua Tree and Organ Pipe Cactus national monuments among them, housed large, representative ecological communities. Interpreting representative ecology was far from explaining the Grand Canyon, and the demands it created led to innovations in interpretation planning. While clearly not what the modern National Park Service later would label "ecosystem management," the resulting program anticipated the more integrated approaches of the 1970s and beyond.

The completion of the administrative building at Cow Creek temporarily curbed pressure for a Death Valley museum. Goodwin had pushed for a museum in the administrative structure,

but when it was not included, he found himself with little recourse. Diminishing funding for the CCC further dimmed the chances of a central interpretive facility. Without even a lecture hall of their own, Curry and his successors could only do so much. Death Valley's unique characteristics guaranteed that without comprehensive interpretation, visitors were unlikely to understand what they encountered. To the traveling public, the important themes that the National Park Service stressed – the relationship between humanity and nature in the desert – were lost in the stark vistas and compelling scenery. A museum would be a centerpiece; it would offer an attraction for visitors who came to the monument as well as the possibility to present a narrative of Death Valley's geologic and historic stories. Without a museum, staff could do little to interpret Death Valley in a manner that matched National Park Service expectations.¹⁵

Museum planning remained a crucial dimension of monument policy, and in 1942, Death Valley embarked on another museum planning effort. The prospects for construction at the time were poor. World War II consumed a growing percentage of U.S. resources and interest, typified by the National Park Service's move to Chicago to free up office space in Washington, D.C. Funding for agency projects evaporated, and parks all over the country settled in to wait for an end to hostilities. In areas that the National Park Service deemed critical to the postwar future, planning proceeded. At Death Valley National Monument, the museum remained the most important omission of the New Deal era. In anticipation, Park Naturalist Edwin Alberts prepared a comprehensive museum prospectus that further developed Curry's ideas into a suitable framework for the postwar era.¹⁶

Alberts understood that the museum would have to wait until the war's conclusion, but

¹⁵ Superintendent's Annual Report, 1939; Superintendent's Annual Report, 1940; Dorr Yeager, memorandum for the Regional Director, June 15, 1939.

¹⁶ Edwin C. Alberts, "Death Valley National Monument Museum Prospectus, First Revision," Sept. 15, 1942, Box 281

he intended that the monument planning be ready well before that day. His 1942 prospectus posited a structure for the museum, and with it, a strategy for interpreting the monument. The entire interpretive process, Alberts thought, hinged on one major theme: the desert as it defined Death Valley. Its story should reflect “the alteration of things because of the harsh nature of the environment.” He wrote. Alberts did not slight any dimension of the monument, but his focus remained on the desert. He detailed the history of Death Valley, highlighting interpretive themes and events crucial to understanding it. The monument’s natural and human history stemmed from the region’s geography, and geography evolved from regional geology. Alberts proposed that the monument tell Death Valley’s story from several perspectives. The museum should interpret geography and climate in the region from the geological viewpoint. Exhibits could present the biological story, including pre-contact human history, from a proto-ecological perspective. Alberts hoped that the museum would sew these interpretive efforts together into a seamless history that reflected the academic standards of the day, a common refrain in National Park Service interpretation.¹⁷

The 1942 prospectus proposed a sophisticated structure for interpretation. Drawing visitors into a central museum site was the only real chance of presenting the long, complex history of Death Valley to the majority of park visitors. By the 1940s, the National Park Service had begun to recognize important characteristics in visitor travel patterns. Most tourists stayed on the trails, visited whatever facilities the National Park Service offered, and then moved on. As long as Furnace Creek remained the center of Death Valley, the National Park Service operated at a disadvantage. To supersede other vendors, the plan proposed centralized locations for interpretation, museums, and other similar features that became attractions for visitors in and of

themselves. The planned central museum served in place of the many distant features that visitors were unlikely to take the time to see. Its exhibits would convey visitors through a diverse past, with an organization that blended a thematic and chronological presentation of the desert. The prospectus detailed the Ice Age, Pleistocene lake development, and the entrance of humans into the region. The geology room would present the desert climate and explain the relationship between aridity and Death Valley's ecosystem. Alberts planned these exhibits to cover every major evolutionary period, including eras of intense seismic uplift and shifting. The prospectus demonstrated a thorough understanding of Death Valley's physical past.¹⁸

The other interpretive features contained in the museum, biology and history, also received thorough treatment. The proposed biology room reflected the broad knowledge the National Park Service had of Death Valley National Monument. Agency naturalists planned exhibits highlighting the region's important plant and animal species. The interpretive scheme represented bighorn sheep, reptiles, and various desert flora. The prospectus also provided the possibility of building an aquarium to house the various species of pupfish unique to the monument. The history room, dedicated to the region's human presence, reflected the agency's ongoing interest in anthropology and ethnology. Although by the 1940s archaeology had been a major force in academia for fifty years, ethnology was still an evolving discipline. In small ways, the National Park Service had become cognizant of the Native American past in Death Valley. The museum plan reflected great care in interpreting Native Americans at the monument. A general descriptive exhibit detailed regional Native American life and the relationship of the Panamint peoples to the greater Death Valley region. Detailed dioramas would depict summer and winter life scenarios for pre-contact peoples, while another featured the material culture of

¹⁷ Death Valley National Monument Museum Prospectus, First Revision, 7.

the area.¹⁹

Following its coverage of the Native American experience at Death Valley, the proposed museum layout led visitors through early Anglo-American emigration, the scientific expeditions of the 1870s, development of contemporary mining culture, and to a picture of modern life at various points in Death Valley. Alberts recommended the division of the history of Death Valley into episodes: the pioneer era, 1849 to 1855; expeditions and surveys, 1855 to 1880; borax and its mining, 1880 to 1927; ghost towns and the detritus of boom economies, 1870 to 1930; and the park's recent history, from 1930 to 1942. The prospectus avoided much discussion of interaction between Native Americans and Anglos during the nineteenth and twentieth centuries.²⁰ In the 1940s, ethnology and history still froze Native Americans in a mythic lens that locked them into a historic place as the foils in the story of nineteenth-century American expansion.

The 1942 prospectus also recognized the need for interpretation beyond the physical space of a museum. The prospectus included plans for exhibits-in-place at Copper Canyon and Salt Creek Hills. Copper Canyon was the home of the "Barnyard," an area dotted with large numbers of fossilized animal tracks that the National Park Service anticipated would become popular once the visiting public learned of the site. Salt Creek Hills, easily accessible by automobile, also contained horizontal beds of fossil tracks that required both interpretation and protection. In addition to such exhibits, the National Park Service proposed a number of viewpoint stops with interpretive fixtures. The obvious choices for these were Dante's View, Aguerreberry Point, Telescope Peak, and Chloride Cliff, all established overlooks.²¹

Trailside exhibits formed an integral part of the proposed interpretive scheme. By World

¹⁸ Death Valley National Monument Museum Prospectus, First Revision, 7.

¹⁹ Death Valley National Monument Museum Prospectus, First Revision, 17-18, 20-21.

²⁰ Death Valley National Monument Museum Prospectus, First Revision, 20-21.

War II, the National Park Service had recognized the significance of such exhibits. Not only did they clearly communicate the agency's message, but also they were comparatively inexpensive and did not require staffing. Death Valley possessed unique geologic and topographic features, and monument visitors could view much of the earth's physical history in exposed surface formations. Trailside exhibits at Ubehebe Crater described recent formative activity inside Death Valley. The prospectus also made plans to highlight Jubilee Pass, where visitors could see the Amargosa thrust phenomenon and an unusual mass of exposed Precambrian rocks. The National Park Service planned to highlight such natural history with trailside exhibits at the Mesquite Thicket, near Furnace Creek, as well as near Tule Springs, the charcoal kilns, Shoreline Butte, and Zabriskie Point. The prospectus planned developed and semi-developed nature trails that started in parking areas and other roadside locations, and led visitors on short walks designed to enhance interaction with Death Valley's delicate and diverse ecosystem.²²

The plan received overwhelmingly positive reviews from the regional office, which had only a few small suggestions for change. Critics did illuminate the need for more comprehensive and detailed planning in some specific areas. Wildlife specialists in the regional office noted that the prospectus omitted the physical relationship between the region's geology and the adaptive migratory patterns of important North American birds. Other agency members observed that the plan lacked the ability to demonstrate the relationship between aridity and specific species of flora. Reviewers indicated that numerous plants and animals, such as desert shrubs and the desert tortoise, adapted in unique ways to the region's extreme aridity and summer temperatures, another important theme for visitors.²³

²¹ Death Valley National Monument Museum Prospectus, First Revision, 21-22.

²² Death Valley National Monument Museum Prospectus, First Revision, 23-26.

²³ Death Valley National Monument Museum Prospectus, First Revision, 44; Memorandum for the Regional Director,

Throughout World War II, the museum remained a prominent goal for Death Valley, but no financial resources were available for the project. Alberts knew as much when he designed the proposal; he included much more than anyone could expect during wartime. The proposal gave monument staff an objective they could anticipate. Death Valley personnel enthusiastically embraced the idea, collecting artifacts, data, and refining opinions about the scope and design of the museum, even as the war continued to eliminate funding for National Park Service projects. Guided by the comments they received, monument staff fleshed out the interpretive details and exposed some of the drawbacks and pitfalls that they might encounter. The need to integrate museum planning with other interpretive tools that included the more remote parts of the monument became ever more apparent. Superintendent Goodwin and his staff felt certain that the end of the war would bring a museum in short order.²⁴

Although the museum prospectus laid valuable groundwork, even the end of the war in 1945 brought little change. The demands of the era and the acceleration of visitation to national park areas in the affluent post-war climate made the museum a necessity, but conversely even more unlikely. The National Park Service directed its resources at patchwork efforts to meet the immediate needs of visitors.²⁵ Death Valley's museum remained in the planning process during the 1950s, as monument personnel refined existing ideas and added new ones.

Interpretation in the 1952 Master Plan

As part of the 1952 *Master Plan*, Death Valley staff created an *Interpretive Development*

July 8, 1942, Memorandum for the Regional Director, April 6, 1942, H22 Archeological and Historical Research 1940-63, Death Valley NP archives; Memorandum for Carl P. Russell, Nov. 6, 1942, Box 281 File DNM 620-46, Museum, NARA-SB. Memorandum to the Superintendent, Oct. 26, 1962; Comments on Museum Prospectus for Death Valley National Monument, Nov. 23, 1942; Comments on the September 1942 Prospectus for Death Valley National Monument; Herbert E. Kahler, Memorandum for the Director, Feb. 13, 1943, Death Valley files, Box 281 File DNM 620-46, Museum, NARA-SB.

²⁴ Superintendent's Annual Report, 1945, 1-3.

²⁵ Ronald Foresta, *America's National Parks and Their Keepers* (Washington, D.C.: Resources for the Future, 1984), 47-59; Conrad L. Wirth, *Parks, Politics, and the People* (Norman: University of Oklahoma Press, 1980), 234-36.

Outline, which included museum planning as part of the larger process of setting interpretation goals. The outline demonstrated a broader approach to the goals and priorities of the monument's interpretive staff. Rather than focusing on the resources Death Valley lacked, staff members concentrated on fashioning a hierarchy of interpretive values by defining the monument's resources on a weighted list. At the top remained interpreting Death Valley's scenic value. Through years of visitor contact, monument staff concluded that the visual quality of Death Valley was the primary draw for the increasing post-World War II visitation.²⁶

The interpretive outline included in the 1952 *Master Plan* reflected the changing position of deserts in U.S. life. The image of the desert, a geographic region long regarded with suspicion by Americans more accustomed to the green spaces of the continent's coasts and midsection, began to change in postwar society. A newly recognized importance for the desert spelled the beginning of an enormous change in outlook that had, in turn, a tremendous impact on the monument. In a glowing commentary, Park Naturalist L. Floyd Keller observed, "the scenery of the American desert is becoming world-famed. Raw and unrestrained, devoid of the pastoral qualities of more humid climes, the desert scene affects all powerfully. Its curious appeal is akin to the sea – its overpowering magnitude and its latent malignancy affect many travelers similarly."²⁷

Such places increasingly attracted Americans, monument staff recognized, and the public wanted interpretive focus. After the war, the public began to see deserts in a new way. For the first time, Americans ventured to the desert without fear, as their economic and cultural institutions allowed them to transcend its limitations. With technologies derived from the war,

²⁶ *Interpretive Development Outline*, May 1952 Box 286 File DNM 831 Services to the Public, NARA-SB.

²⁷ David Darlington, *The Mojave: A Portrait of the Definitive American Desert* (New York: Henry Holt, 1996), 10-14; Alex Shounatoff, *Legends of the American Desert: Sojourns in the Greater Southwest* (New York: Alfred A. Knopf, 1997), 7-13,

using military Jeeps bought as surplus vehicles, and later adding air conditioning to their vehicles, they could make the desert almost comfortable. Slowly the arid areas ceased to be frightening wastelands, and the deserts became scenic, full of solitude, and exquisite. Death Valley served as the model for that change in understanding, and its interpretation program was critical to that process. That change from “death valley” to “scenic desert landscape” contributed to a much greater appreciation of the monument’s vistas and to a widespread affinity for it. It also brought countless more visitors to the monument. As the premiere manifestation of the western desert regions, Death Valley National Monument represented the desert to the public.²⁸

Interpretation required information, but the National Park Service still lacked the resources to support research at Death Valley. Outside researchers stepped in to shape knowledge of the monument. Such academics had been few before 1945, but they grew in numbers and prominence in the postwar era, and by the end of the 1940s, growing academic interest in the physical and cultural history of Death Valley brought scholars to the monument. During 1949, Norman Cooper, a University of Southern California botany professor, spent a week at the monument studying its plant species. During his stay, Cooper developed an interest in Naturalist Floyd Keller’s interpretive programs. Keller had constructed a herbarium to display the area’s diverse plant life, and Cooper admired his work. The professor observed that the monument’s materials for housing plant specimens were inadequate, the result of which may have been the deterioration and eventual destruction of specimens in the herbarium. Keller lacked a budget, and the storage he was available to provide was amateurish as a result. Cooper thought that a museum would solve this dilemma and he initiated a letter-writing campaign to

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²⁸ 1952 *Master Plan*, Death Valley files, Box 281 File DNM 620-46 Museum, NARA-SB; Superintendent, Death Valley, to Regional Director, Region Four, March 11, 1952, Death Valley files, Box 286 File: 830 Service to the Public, NARA-

urge expedited construction. The next year, Thomas Clements, chair of the Department of Geology at the University of Southern California, echoed Cooper's sentiments. Clements believed that the monument possessed unrealized potential as a geologic and botanical showcase.²⁹

This scientific assessment contributed to the growing sense of desert ecology as Death Valley's dominant interpretive theme. Again, the National Park Service favored a comprehensive model that had been its signature at Death Valley since Donald Curry first considered the possibilities of education. Officials still remained tentative about Death Valley's ability to meet the informal criteria that defined scenic monumentalism, and instead relied on the combination of natural beauty, geology, and scientific value as justification for its interpretation program. Death Valley was more than a visual experience, they believed. The range of Death Valley's temperatures, from extreme lows to record highs, illustrated one dimension of the monument's immense physical presence. Geology also contributed to the interpretive structure.³⁰

As presented in the 1952 *Master Plan*, interpretation followed the patterns established since the monument's founding. Geology, which still provided the dominant thread in the story, linked the other themes. Biology and ecology were significant subthemes, continuing the integrated approach that characterized the monument. The interpretative outline in the *Master Plan* specified plant and animal species that required interpretation, including varieties of rare flora found at various altitudes inside the monument, desert bighorn sheep, and cyprinodon fishes at Salt Creek and Saratoga Springs. Presentation of these fish species allowed visitors to

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²⁹ Norman Cooper to Supt. of National Parks, June 14, 1949, Death Valley files, Box 281 File DNM 620-46 Museum, NARA-SB.

³⁰ 1952 *Master Plan*, 3-4; Alfred Runte, *National Parks: The American Experience* 2nd ed. (Lincoln: University of Nebraska Press, 1987), 33-49, coins the term "scenic monumentalism" to describe the attributes that led to the proclamation of

imagine what Death Valley was like during the most recent Ice Ages, as little as 14,000 years before, when the area was well watered and connected to the Owens and Mojave River drainages.³¹

This interpretive formulation relegated archeology, ethnography, and history to lesser positions in the interpretative sphere. Human influence on the vast majority of Death Valley had been comparatively recent and as yet relatively insignificant. The lack of substantive cultural research about early human habitation curtailed museum possibilities, but lesser emphasis also stemmed from the National Park Service's value system. Even in the 1950s, the agency ranked natural features ahead of human history, except in places with clear historical or prehistoric significance. In the agency's conception, national parks and monuments remained primarily reflections of a natural America. This view inherently limited the way in which the agency interpreted human history. Nor did the existing research base support a full-fledged interpretation of the human past. Death Valley could only consider the twentieth-century behavior and economic philosophy of the Panamint Shoshones as a reflection of their pre-contact existence. The petroglyphs and campsites explorers had discovered inside the monument only demonstrated a need for further research. The recent past had left the most impressive array of remains in Death Valley, and the National Park Service considered the story of mining an essential part of the region's history. Planned interpretive efforts focused on the Gold Rush '49ers, borax and other mining activities, and the resulting commercial development in the monument. The various personalities associated with Death Valley, such as Walter Scott and Shorty Harris, offered excellent local color and provided a dimension that easily connected the

most early national parks.

³¹ 1952 *Master Plan*, 4-5.

visitors to human experience.³² Yet overall, such historical characters were treated as less important than the natural setting.

Mission 66 and a Museum for Death Valley

The *Master Plan's* interpretive dimensions furthered the long-standing goal of establishing a Death Valley museum. As the post-war economic boom took shape, the museum became a more viable possibility than it had been since the late 1930s. Before Mission 66, the 1950s capital development program that transformed the entire national park system, Death Valley staff made overtures to the California state legislature and the U.S. Congress about museum funding. In 1955, California State Senator Charles Brown, a longtime advocate of Death Valley, introduced the first state funding bill for the museum. Despite winning legislative approval, California's Republican governor, Goodwin J. Knight, vetoed the measure along with other park funding bills. After the veto, the Death Valley '49ers Association, a powerful and vocal constituency founded in 1949 to commemorate the 100th anniversary of the Death Valley expedition that named the area, lobbied the government to put the museum bill on the 1956 legislative calendar. Knight yielded. The 1956 California state budget included authorization of \$350,000 for construction of a museum at Death Valley. By 1957, the museum had been added to the Mission 66 plan for a new visitor center, giving the project greater viability in the federal appropriations process and creating an unusual circumstance: the park stood to receive money for the museum from both state and federal sources.³³

This unusual situation resulted from two very different strains in recreation planning. In the 1950s, California sought to build the model society. During this era, it developed into the

³² Death Valley files, Box 281 File DNM 620-46 Museum, 6, NARA-SB.

³³ Superintendent's Annual Report 1956, 2; Report to the State of California: Death Valley National Monument Visitor Center, Nov. 1, 1961, D6215 Library and Museum, 1961-65, P.R.G. 1-9, Death Valley archives, 1.

nation's most economically prosperous state, and state officials spent much of the largesse its growth spawned on public programs. The inland desert region lagged behind the more heavily populated coastal areas in access to such resources, making collaboration at Death Valley an important opportunity for California. At the same time, the National Park Service continued to utilize its aggressive support groups to help for its programs. Even with Mission 66, still a new project in 1957, the agency recognized that anything it could bring in helped the larger cause of promoting the national parks.³⁴ This combination of circumstances brought the state and federal government together in the Death Valley National Monument museum plan.

Yet for the National Park Service, this joint effort meant ceding some of its prerogatives. Although part of the California Department of Beaches and Parks' budget, the museum remained exclusively a National Park Service endeavor. The California legislature appropriated its share of museum funds early in 1957, and state officials met with National Park Service representatives to discuss museum plans and expenditures. Under the arrangement, the state would transfer the museum to the National Park Service for operation and maintenance after completion of construction. The museum was to stand on a tract donated to the state by U.S. Borax and Chemical Company, the successor to Pacific Coast Borax already in transition out of mining to other businesses. During the process, the museum remained beyond National Park Service control. Eventually, the entire operation would shift to the National Park Service, but early in its development, the state and the company retained control as a condition of participation in the project.³⁵

With funding secured, the museum project quickly progressed. A planning team

³⁴ Roger W. Lotchin, *Fortress California, 1910-1961: From Warfare to Welfare* (New York: Oxford University Press, 1992), 310-17; Foresta, *America's National Parks and Their Keepers*, 52-54.

³⁵ Superintendent's Annual Report 1957, 1; Report to the State of California, 2-3.

completed preliminary construction plans in April 1957, and the design team of Robert Barrell and Ray Price arrived at Death Valley one month later to develop detailed exhibit plans. Planning continued throughout 1958, culminating with the award of the construction contract to William A. Drennan of Oildale, California. Museum and visitor center construction began May 23, 1959. Based on inspections conducted early in 1960, the National Park Service declared the building complete on March 24, 1960, although the new museum and visitor center could not be opened immediately as a result of a lack of electrical power required for heating and air conditioning systems. After National Park Service engineers resolved the electric problem, the museum was ready for internal design. The Western Museum Laboratory company completed exhibit installation in October 1960 and the National Park Service held the dedication for the facility Nov. 12, 1960.³⁶

The completed museum vastly upgraded the monument's interpretive facilities. The building included a large auditorium to house audio and visual presentations, centralizing interpretation in the most accessible place for visitors. The National Park Service and the University of California, Berkeley, developed a twenty-minute introductory slide program, shown hourly during peak visitation periods. During the first year, more than 37,000 visitors viewed the program. After this introduction to Death Valley, the exhibits room provided a full-fledged interpretive program. One large rectangular room, broken up by divider walls and a central, island-like display in the middle, housed the exhibits. Thirty-one displays, individually lit by soft spotlights, comprised the initial exhibits. The National Park Service estimated that 90 percent of visitors spent time in the exhibits room during the initial year of museum operations, an impressive figure when compared to the 40 percent rate recorded for the audio/visual

³⁶ Superintendent's Annual Report 1958, 2; Superintendent's Annual Report 1958, 4; Superintendent's Annual Report 238

program.

The new museum exhibits highlighted the relationship between natural and human history as they told the story of the region. Exhibit description labels featured excerpts from the writings of William L. Manly, one of the original Death Valley '49ers. The presentation started with a large painting, hung near the museum entrance that depicted a wagon train descending into Death Valley from the east. The mountains shown in the background, striations of rock formations appearing in clear relief, accentuating the pivotal role of geology. Eleven exhibits, one of which utilized Manly's observation that "pretty near all creation was in sight," illustrated geology's importance. Manly's words preceded an exhibit of the geology that likely greeted the 49ers. Manly's forlorn observation that Death Valley had bad water or none at all illustrated the natural forces that shaped the desert. Wind, water, and the effects of intense sunlight added other interpretive themes. Other displays highlighted area flora and fauna.³⁷

Human habitation of Death Valley provided another interpretive theme. Native American life received a depiction typical of the era. At the time, anthropological and historical literature demeaned the people of desert; as late as 1968, typified by Peter Farb's *Man's Rise to Civilization as Shown by the Indians of North America from Primeval Times to the Coming of the Industrial State*, desert people were referred to by the pejorative "Diggers" after the digging sticks crucial to their subsistence. U.S. society still clung to the triumphalist myth of the European-American nation, and its presentation of native people at best patronized its subjects. At Death Valley, the National Park Service echoed the era's tone. Manly's description of Death Valley, of which he wrote, "the home of the poorest man on earth was preferable to this place," was the exhibit's centerpiece, but it hardly reflected the true nature of desert life. Although a

1959, 1; Report to the State of California, 5; List of Superintendents, Death Valley archives.

large painting that depicted almost-naked Native Americans standing high on a mountain above a wagon train traversing the valley attempted to juxtapose the two cultures, the exhibit only barely explored the relationship between Indians and emigrants.³⁷

The exhibits handled the pioneer and mining eras more comfortably, focusing on the emigrants of 1849 who passed through Death Valley and the miners who followed. The evolution of mining and the exploration of pioneers made a powerful statement about U.S. nationalism and its reach. The story of Anglo-American settlement resonated with the traveling public. The National Park Service worked to establish human history as part of the currency of interpretation, broadening the existing focus on the desert. Such decisions reflected not only the era's interpretive credo but the National Park Service's emphasis on reaching its intended audience as well.

Broadening Interpretation

The 1960s became a pivotal decade for interpretation at Death Valley National Monument. The new museum proved to be an important attraction, and as monument visitation increased from 189,000 in 1950 to 580,000 in 1970, visitor use of interpretive services posted a parallel dramatic increase. High levels of visitation indicated that the museum was an effective addition to Death Valley National Monument. While the museum remained sufficient until the mid-1960s, the monument's interpretive plan quickly needed revision. Not only did more visitors come, but they also expected interpretive programming that reflected changing national culture ideas as well. As the 1960s continued, the National Park Service faced long-time supporters who differed with the agency on its mission as well as an energized public that sought more balanced

³⁷ Report to the State of California, 5.

³⁸ Ibid; Peter Farb, *Man's Rise to Civilization as Shown by the Indians of North America From Primeval Times to the Coming of the Industrial State* (New York, Dutton, 1968).

portrayals of the diversity of U.S. society in its publicly preserved places. No longer did the patronizing tone toward Native Americans reflect dominant cultural sentiments in California and the nation. Nor did the image of miners as quirky, foolhardy and lucky entrepreneurs fit the image the National Park Service sought for its areas. Death Valley National Monument finished the 1960s with interpretive criteria of an earlier generation. The situation could not continue. After the agency acquired Scotty's Castle in 1971, a redefinition of park interpretation became even more of a priority.³⁹

In the early 1970s, the National Park Service initiated an interpretive prospectus for Scotty's Castle as well as a general *Historical Resources Management Plan*, a response to the Historic Preservation Act of 1966 and its creation of the National Register of Historic Places. The two plans brought together a number of agency goals. As work on the management plan continued, the National Park Service implemented interpretive options to enhance the experience of the ever-growing number of visitors. Interpretive walks in the monument's Natural Bridge Canyon and photographic demonstrations at the sand dunes encouraged an in-depth understanding of Death Valley's natural features. New programs featured the Ranger Rick Club, where rangers led programs for children with experiences tailored to their age. The program also included ranger-led nature walks at Furnace Creek. Such changes created momentum, but they were essentially stopgaps, precursors to the comprehensive development of interpretation in the *Scotty's Castle Interpretive Prospectus* and the *Historical Resources Management Plan*.⁴⁰

Initially comprised of Washington office and service center personnel, the prospectus and the management planning team arrived at Furnace Creek on Aug. 11, 1970. Unofficially led by

³⁹ Report to the State of California, 5-6; Total Yearly Visitation, A2615, Death Valley archives; Foresta, *America's National Parks and Their Keepers*, 59-74; Barry Mackintosh, *The National Historic Preservation Act and the National Park Service* (Washington, D.C.: National Park Service, 1986), 1-19, 97-102.

Western Service Center historian Ross Holland, the team analyzed management needs for Scotty's Castle and the mining operation and stage station at Wildrose Canyon. However, the intensity of visitation and the lack of existing plans to cope with interpretive demands forced Holland to expand the planning process. When the team returned to Furnace Creek on May 3, 1971, it brought a broader mission and new members. The expanded team included Western Region interpretive program specialist Norman B. Herkenham; Western Service Center interpretive planner William T. Ingersoll; Western Region curator Edward P. Jahns; Harpers Ferry Center curator Raymond S. Price; Death Valley National Monument ranger Wayne W. Schulz; and Holland. The team spent ten days at the monument, holding discussions and planning sessions and conducting research. Holland stayed an additional week to begin the *Historic Resources Management Plan*. By August 1971, the first draft of the plan was complete.⁴¹

Holland and his team developed a new view of Death Valley, which some called controversial. It reserved the pattern of integrating monument features by challenging the value of recent history at Death Valley. The plan treated most post-1849 human history at Death Valley as an idiosyncratic moment. It also deemed the region's natural history as nationally significant and worthy of increased interpretive efforts, but with the exception of the borax industry's history in Death Valley, team members determined that most other human history in the monument after 1849 lacked national importance. Human "history in Death Valley has been exaggerated beyond its real significance and importance," the plan insisted.⁴²

⁴⁰ Superintendent from Chief Naturalist, April 1, 1971, Monthly Report for March 1971, Death Valley archives.

⁴¹ Ross Holland et. al., "Draft of Historic Resources Plan, Aug. 11, 1971," H30, Archeological and Historic Structures, General 1970-72, Death Valley archives.

⁴² Chief Park Ranger to Superintendent, Monthly Report for August 1970, Sept. 4, 1979; Chief Naturalist to Superintendent, Monthly Report for May 1971, June 2, 1971; Chief Naturalist to Superintendent, Monthly Report for June 1971,

Holland's plan was no less than a direct challenge to the history of interpretation at the monument. Death Valley had always integrated human and natural history. Even in the 1930s, the nascent interpretation programs defied agency trends and built on the interaction of the human and natural past. In the 1960s, the National Park Service's interpretation efforts matured, reflecting agency goals of inclusion. The onslaught of visitation after World War II contributed to the shift, raising the stakes in interpretation as a large segment of the public learned about the nation's natural and historical past from the National Park Service. The agency's consistent effort to build and maintain a strong public following increasingly relied on interpretation. The agency willingly committed a greater percentage of resources to interpretation especially as capital development dollars in special appropriations became easier to obtain. Besides removing construction from the National Park Service budget to a separate pool of funds, Mission 66 also provided an array of new facilities and programs.⁴³

Interpretation programs also responded to the nation's changing cultural values. Despite the primary focus, interpreting the park unit in question, the National Park Service could use interpretation to communicate other messages. During the 1960s, this tendency was pronounced, as the agency discovered the concept of "relevance." With ecology on the rise as a concept in larger society, the genesis of the idea of an environmental crisis in U.S. society, the National Park Service's long history of stewardship, and with a new emphasis on diversity, interpretation at Death Valley National Monument reflected larger social conditions. In this new setting, the planning team deemed the emphasis of the Death Valley museum, designed during the early 1960s, as inadequate. The emphasis on environment in U.S. society led the team to emphasize

July 2, 1971, Death Valley archives; Interpretive Prospectus for Scotty's Castle, December 1971, K 1817 Interpretive Prospectus Death Valley – 1972-75, Death Valley archives; Draft of Historic Resources Plan, Aug. 11, 1971, H30, Archeological and Historic Structures, General 1970-72, Death Valley archives, 43-44.

the role of ecology and environment over people in shaping Death Valley.⁴⁴

Interpretation's position at the monument also changed as Holland and the team developed the plan. Death Valley reorganized in no small part as an answer to the increasing demands on interpretation. Interpretation took on even greater weight with the National Park Service's acquisition of Scotty's Castle in 1971. Beginning in July 1971, supervision of the castle shifted from the ranger division and became the combined responsibility of the chief ranger, the Interpretation and Resources Management division (I&RM), and two district rangers. The monument attached the park naturalist position to the chief ranger and I&RM, and expanded the South District ranger staff to include an interpretation specialist. A larger interpretive staff, better positioned to exercise power at the monument, greeted the draft document.⁴⁵

When the draft *Historic Resources Management Plan* arrived at the monument in mid-August 1971, it sparked controversy. Death Valley National Monument staff reviewed the document and came away exhilarated, perplexed, challenged, and even a little threatened. Monument personnel had become convinced of Death Valley's importance as a historical artifact as well as a scientific and geological area. The draft directly challenged that notion, insisting that Death Valley's desert environment should be the sole focus of National Park Service interpretive efforts. It also recommended that the National Park Service examine other interpretive schemes through the lens of desert life. The report left little doubt about the "traditional" views of Death Valley's past. In the view of team members, the monument's historical sites failed any test of national significance. The draft plan questioned long-held assumptions about the age of sites and pointed out that generally poor quality histories had been written about Death Valley. Even after

⁴³ Mackintosh, *Interpretation in the National Park Service*, 75-81; Wirth, *Parks, Politics, and the People*, 237-85.

⁴⁴ Foresta, *America's National Parks and Their Keepers*, 87-92; Stewart L. Udall, *The Quiet Crisis* (New York: Henry Holt, 1963).

passage of the National Historic Preservation Act of 1966, the National Park Service continued its age-old practice of removing historic structures that did not fit its vision of an area. In line with that practice, the plan proposed the elimination of a number of Death Valley's historic structures. It recommended that except for its nineteenth-century forge, Wildrose Stage Station be obliterated, a proposal monument staff vehemently resisted. The plan insisted that the National Park Service compile accurate and thorough histories of the monument, a task that had become even more important because of the number of historic sites, roads, and structures under agency protection and the growing need to comply with statute that followed passage of the National Environmental Protection Act. In short, the plan challenged every dimension of the monument's interpretation practices.⁴⁶

Already feeling ignored in the preparation of the *Historic Resources Management Plan*, monument staff responded with equal vehemence when Holland's team released the draft *Interpretive Prospectus for Scotty's Castle* in December 1971. The prospectus reprised every issue from the HRMP. At the most basic level, the prospectus challenged the significance of Scotty's Castle. Walter Scott, "Death Valley Scotty," received his share of criticism as a historical figure. "There was no substance to the man," the prospectus concluded. "He was one of the American snake-oil merchants whose virtue was the fact that his confidence game really defrauded no one. It takes a special appreciation of Americana to interpret that kind of virtue." Holland and his team thought that Scotty's Castle resembled a movie set more than a historic structure, and that it lacked craftsmanship and historical value. The prospectus also proclaimed that the castle had a negative impact on surrounding flora and fauna. Castle construction had encouraged the diversion of water from nearby plants and animals, the document charged, a

⁴⁵ Superintendent's Monthly Report, July 1971.

transfer that the authors maintained was of little or no concern to Johnson and Scott. Arguing that the castle never should have been built, the team asserted the environmental concept of “equilibrium” as the major interpretive theme at Scotty’s Castle. In their view, this permitted the National Park Service to explain the genuinely important theme of Death Valley – its physical environment. The interpretive prospectus left little doubt that its authors regarded Scotty’s Castle as a liability for the monument. The authors enunciated their distaste of the castle when they observed that the chief interpreter at Scotty’s Castle should be “more of a drama critic than a historian or an environmentalist.”⁴⁷

Following the reasoning of the HRMP, the *Interpretive Prospectus* generated similar criticism. Everyone at Death Valley thought that a group of outsiders had come to the monument and ignored local knowledge. “‘The Team’ suffered from an acute case of tunnel vision,” Bill Bolton, the park’s maintenance work leader, observed in a direct rebuttal to the study. Monument staffers had struggled year after year to develop interpretive tools, often without adequate resources, but in their view with greater understanding of what the visiting public expected from their unit. Interpretation “has never been attempted” at Death Valley, the monument’s interpretive specialist wrote in response to the plan. The document dismayed District Ranger Wayne Schulz, who served on the planning team. Bolton regarded the prospectus as little more than an “unattested literary mis-adventure.” With years of experience in the environment around Scotty’s Castle, Bolton corrected what he saw as inaccuracies in the document. The buildings’ water supply came from overflow from a spring, where water collected on a daily basis. This water did not come at the expense of the outer perimeter of the spring’s flow, he wrote. If animals died from thirst because of the castle’s water use, Bolton

⁴⁶ Draft of Historic Resources Plan, Aug. 11, 1971, 41-45, 47-48, 59, 61, 64-66.

observed, it was more from laziness than anything else. Spring water continued to be available to animals only a few hundred feet east of the castle.⁴⁸

The attack on Scotty's Castle stemmed from an ongoing conflict within the National Park Service. Since the Leopold Report of 1963, the agency had elevated science in its vision of park resources. The report's concept, that national parks should be "vignettes of primitive America," hamstrung the agency as it sought to broaden its focus in the tumultuous 1960s and 1970s. Along with the growing need for the interpretation of diversity in U.S. society, this new emphasis on science created tension between the nation's parks and planners in the Western Service Center and other National Park Service offices. The parks favored their traditional ways of interpreting, while the more specialized service centers served as catalysts for change. Any attempt to shift away from long-held patterns, especially in areas such as interpretation where public contact assured comment, demanded reassessment of practices.⁴⁹

To Death Valley Superintendent Robert Murphy and many at the monument, the *Interpretive Prospectus* seemed high-handed and even sanctimonious. Death Valley National Monument long faced problems concerning inholdings derived from mining claims, but Scotty's Castle was even more threatening. Since 1933, the monument endured the oddity of having its most important visitor attraction run by a private entity that could do as it pleased. Murphy devoted considerable time and resources to bringing the castle under National Park Service jurisdiction, and he had orchestrated the \$850,000 purchase from the Gospel Foundation. He

⁴⁷ *Interpretive Prospectus for Scotty's Castle*, December 1971, 1, 4-6, 8-10

⁴⁸ *Interpretive Prospectus Death Valley* – 1972-75; North District Ranger to Superintendent, Jan. 27, 1972; Maintenance Work Leader to Superintendent, Feb. 13, 1972; Superintendent to Assistant Regional Director for Operations, Western Region, Feb. 22, 1972; Interpretive Specialist to Chief I&RM, July 19, 1972, K1817 *Interpretive Prospectus*, P. R. G. 2-7, Death Valley Archives.

⁴⁹ Foresta, *America's National Parks and Their Keepers*, 96-117, 129-36; Wirth, *Parks, Politics, and the People*, 3-5-14; George B. Hartzog, Jr., *Battling for the National Parks* (Mt. Kisco, NY: Moyer Bell Limited, 1988), 1-13.

rightly blanched at the prospectus. It was an outright attack on one of the two most important accomplishments of his superintendency. In Murphy's view, the scale of the investment in Scotty's Castle warranted more serious consideration. The prospectus minimized the significance of the region's twentieth-century history, and Albert Johnson's contributions to Death Valley. Murphy believed that Johnson was much more than someone who signed the checks; he was a catalytic figure in the area's development. As Murphy eloquently pointed out, Johnson was an active businessman who actually used Walter Scott as a front to acquire numerous mining claims in Death Valley. Murphy offered an interpretation of Scotty's Castle that placed as much emphasis on human activity as on the physical environment.⁵⁰

The level of criticism quickly grew more intense. In the view of monument staff, Holland's team designed the prospectus to discredit Scotty's Castle as a legitimate interpretive feature rather than determine how best to interpret it. In Bolton's view, there was no need to invent interpretive significance for Scotty's Castle. Schulz believed that the team had ignored the most important dimensions of Scotty's Castle. Focusing on Johnson, Scott, and their shortcomings as nationally significant historical figures, the prospectus necessarily overlooked the castle and its story, Death Valley personnel argued, saying that a legitimate appraisal of the castle on its historical merits required a different set of premises than the prospectus presented. Every structure has a story, and Scotty's Castle, according to Schulz, needed only a little help from the stories of Johnson and Scott to be historically significant.⁵¹

The monument's response demanded another comprehensive assessment of interpretation at Death Valley. Only rarely had planning and monument staff differed so greatly on assessment

⁵⁰ Superintendent, Death Valley, to Assistant Director, Operations, Western Region, Feb. 22, 1972, K 1817 Interpretive Prospectus Death Valley – 1972-75, Death Valley archives.

⁵¹ Maintenance Work Leader to Superintendent, Feb. 13, 1972; North District Ranger to Superintendent, Jan. 25, 1971

of a major park component. As a result, the National Park Service reassessed the historic resources, and the agency assembled another planning team to create an interpretive prospectus for the entire monument. This new document superseded the specific plan drawn up for Scotty's Castle. During the week of March 1, 1972, Richard Krepela and Ellsworth Swift of the Harpers Ferry Center met William Jones, an interpretive planner at the Denver Service Center, to plan on how to best address the perceived shortcomings in Holland's *Historic Resources Management Plan*.⁵²

When the National Park Service unveiled it in July 1972, the new *Interpretive Prospectus for Death Valley National Monument* presented interpretation as part of a larger planning process for the monument. It integrated other planning documents, including the *Interpretive Prospectus for Scotty's Castle* and the October 1971 draft *Master Plan*, into interpretation planning. Unlike the earlier HRMP, which was designed as a management guide, the monument's new interpretive prospectus encouraged meaningful visitor participation in interpretation. Successful operation of Death Valley National Monument, the team asserted, depended on effective two-way communication between the visiting public and the National Park Service. The document prompted monument personnel to focus interpretation activities to support such communication.⁵³

The new prospectus also used the draft *Master Plan* as a starting point. It defined Death Valley's assets in much the same way as the *Master Plan*, regarding open space, unique geological features, an arid climate, unusual and diverse flora and fauna, aboriginal Indians, and

[Note: Based on contents, letter likely actually from 1972], K 1817 Interpretive Prospectus P.R.G. 2-7, Death Valley archives.

⁵² *Interpretive Prospectus for Death Valley National Monument*, July 1972, A-1 to B-1, K 1817 Interpretive Prospectus P.R.G. 2-7, Death Valley archives.

⁵³ *Interpretive Prospectus for Death Valley National Monument*, July 1972, A-1 to B-1, K 1817 Interpretive Prospectus P.R.G. 2-7, Death Valley archives.

special insights into the history of modern humanity as the monument's major assets. Jones and his team favored development at Furnace Creek, Stovepipe Wells, and Scotty's Castle, in essence contradicting the earlier report. The agency needed Scotty's Castle to complete interpretation at the monument, the report stated.⁵⁴

As had earlier efforts, the 1972 *Interpretive Prospectus* attempted to define one basis for interpretation at Death Valley. Jones and his team tried to present more than the sum of the monument's physical and human parts. They believed that something special defined Death Valley, with more than geology and climate characterizing the region. The National Park Service had treated most of the monument's interpretive themes, Jones observed, as the panacea for interpretation at one time or another. "But Death Valley's theme does not fit predetermined interpretive classifications or academic disciplines," Jones observed. "It is more subtle, even subliminal – relating more to a human attitude than to a physical fact. Few can identify it consciously, and more miss its unifying capabilities." He believed that using the desert as a theme allowed the best and most integrated approach to explaining the monument's features.⁵⁵ This was a reprise of the oldest sentiments about the monument's interpretation. In the aftermath of the controversy, interpretation at Death Valley had come full circle.

The new prospectus established a sufficiently broad basis for future interpretation. By recognizing Death Valley's many facets and conceptualizing interpretation with a rubric that allowed for different ideas, the *Interpretive Prospectus* not only lessened the tension that stemmed from the first Scotty's Castle prospectus, but also modernized interpretation. Death Valley's needs as a monument placed it on the cusp of change, in part because of the changing vision of the desert in U.S. society and equally because the National Park Service needed

⁵⁴ *Interpretive Prospectus for Death Valley National Monument*, C-1.

flexibility to interpret its many features.⁵⁶

The guiding force of the *Interpretive Prospectus* remained the desert. For the interpretive program to work, the dominant theme had to successfully integrate the many subthemes. The plan did not establish priorities among the various subthemes, since the interpretation of each would be individually determined for each locale in the monument. The prospectus applied the subthemes as illustrative vehicles, developed to further the interpretive focal point. Death Valley's physiographic features, such as alluvial fans, sand dunes, or ancient lakes, would look very different in an alternate climate. Indian peoples, such as the Panamint Shoshones, demonstrated human adaptability in environmental extremes. The discovery of the Death Valley by Anglos, resulting in its morose naming, dramatized the climate's potential severity. When miners became interested in the pursuit of elusive wealth, the desert imposed hardships that defined their stories. Flora and fauna were more precious and deserved more attention as they struggled for survival in an area such as Death Valley. Evolutionary concepts seemed more real as species pursued their fight for survival in the here-and-now rather than in the fossil record alone. The contrast with its immediate surroundings even more clearly defined Scotty's Castle.⁵⁷

Interpretation meant more than National Park Service concepts and programs. An additional goal became informing visitors of general monument services, activities, and features. The National Park Service had always provided such information, but had never considered it part of interpretation. Some of the goals detailed by the prospectus were social in nature, molded by the transformation of U.S. society in the late 1960s and early 1970s. One dimension of the new interpretive process included mixing visitors of diverse groups together in planned

⁵⁵ *Interpretive Prospectus for Death Valley National Monument*, D-1 to D-2.

⁵⁶ *Interpretive Prospectus for Death Valley National Monument*, D-2.

⁵⁷ *Interpretive Prospectus for Death Valley National Monument*, D-2 to D-3.

activities, allowing them to share their experiences and learn about each other. Monument planners thought travelers desired such interaction and regarded the creation of such opportunity as an agency function. Interpretation also provided personal contact between staff and visitors, which Death Valley hoped would reinforce public support for the National Park Service and its programs.⁵⁸

This highly defined approach to Death Valley's interpretation expanded its meaning and purpose. When implemented, the new plan intended to do more than explain what visitors saw. The prospectus envisioned interpretation as a teaching tool. It encouraged protection as it educated visitors about the intricacies of desert ecology and fragility of monument resources. The National Park Service had long advocated voluntary compliance with its rules, and agency officials thought interpretation could play a significant role in attaining that objective. Interpretation also let visitors experience the real monument, not reproductions or facsimiles. Programs could expose visitors to the realities of Death Valley – the heat of sun, the cold of predawn, the sting of blowing sand, the warmth of burning mesquite, the taste of salt water, and even the bite of thirst – in controlled circumstances that eliminated risk even as it permitted exploration. An array of interpretive opportunities, including new and specialized programs such as photography, painting, nature study, and four-wheel drive exploration, offered much closer contact with the physical world than visitors could experience in the visitor center. Jones and his team thought that interpreting the desert in this way would encourage an Aldo Leopold-like land ethic in visitors.⁵⁹

In the monument, the National Park Service planned a renovation of the Furnace Creek

⁵⁸ *Interpretive Prospectus for Death Valley National Monument*, F-1.

⁵⁹ *Interpretive Prospectus for Death Valley National Monument*, F-1 to F-2; Aldo Leopold's sentiments can best be ascertained in Aldo Leopold, *A Sand County Almanac* (New York: Ballantine Books, 1990), reprint.

museum, its primary venue for interpretation. The museum as it then existed concerned the planners. Its look, they observed, was “two-dimensional and unnecessarily dominated by text,” a common flaw that resulted from Mission 66-era planning and construction. The planners regarded some of its features as inadequate in light of changing public expectations. Agency personnel shortened the audio/visual program to ten minutes. The shorter program encouraged more visitors to see the program and allowed time to see the other museum exhibits, necessitating major revisions of content and interpretation. The prospectus suggested three-dimensional displays, use of significant objects, and motion and sound interaction. More frequent rotation of the exhibits was another recommendation; planners thought it would allow the monument to present more of Death Valley’s numerous environmental features. They pointed to the outside patio area as a potential venue for a life-size display zone, where the monument could present Indian lifeways, salt evaporation, mining processes, or astronomy.⁶⁰

The 1972 prospectus was the most comprehensive approach to interpretation ever attempted at Death Valley. By seeing the monument as an integral part of a larger ecological region, it advanced a new philosophy. The prospectus treated the monument’s boundaries as artificial distinctions, superimposed on an ecosystem that transcended any of the various jurisdictions in the desert. It envisioned Death Valley National Monument as an extraordinary venue to explain those relationships. Education and publicity outside the monument boundaries were necessary steps in that process; the process could harness media such as newspapers, magazines, radio, and television to carry the message of an integrated desert. The National Park Service intended to widely disseminate its publications. These mechanisms and strategies carried the message of Death Valley beyond the monument, providing the National Park Service with

⁶⁰ *Interpretive Prospectus for Death Valley National Monument*, I-2 to I-3.

support to influence public opinion and anticipate threats to the monument's future from outside its boundaries.⁶¹

Interpretation for a New Era

The prospectus brought a new sense of balance to the message Death Valley National Monument offered the public, as it provided new goals for staff members. It advocated nothing less than a full-scale revision of interpretation. After the prospectus, interpretation became a tool for shaping public opinion and molding public values about Death Valley. Expanding the monument's interpretive focus to emphasize the desert, educating the public inside and outside monument boundaries, and embracing numerous and powerful cooperative interest groups such as the Death Valley '49ers and the Death Valley Natural History Association all contributed to the goals of preservation and protection.

In the mid-1970s, the monument implemented the goals it established in the planning process. Resources had always been an issue for interpretation, and by 1975, some measure of solution to that problem seemed likely. During 1975, the monument added interpretive activities at Stove Pipe Wells, Mesquite Spring Campground, and expanded its offerings on the grounds at Scotty's Castle. As a result, 1975 became a signal year for interpretation at Death Valley. The monument offered improved interpretation activities in more places as a result of changes in scheduling to meet changing visitation patterns, the Herculean efforts of volunteers who filled so many gaps, financial assistance from the Death Valley Natural History Association, and funding in support of programming to commemorate the U.S. Bicentennial in 1976.⁶²

The activities at Harmony Borax Works provided a primary example of the changes in interpretation. Located near the Furnace Creek complex and the privately run borax museum, the

⁶¹ *Interpretive Prospectus for Death Valley National Monument*, I-1 to I-2.

Harmony Borax Works offered an outdoor setting that illustrated mining for the public. Its proximity to Furnace Creek led to dramatic increases in visitation by the 1970s, with more than 84,000 visitors arriving during the November-April prime season of 1976-1977. Visitors passed easily between it and the nearby Furnace Creek museum. Although the prospectus made acquiring the borax museum an important objective, in 1976 the National Park Service had yet to take action. In 1974, increased visitation at Harmony Borax Works prompted an interpretive prospectus by monument interpreter Frank Ackerman, and Death Valley planned a stabilization program for visitor safety and resource protection for 1977. The *Harmony Works Interpretive Development Plan* by Martha Leicester and Frank Ackerman completed planning for interpretation at the borax works.⁶³

The new interpretive development plan followed the existing themes of planning at Death Valley. Its authors proposed using Harmony Borax's proximity to monument and concession facilities to make it the monument's primary interpretive site. Planners envisioned that visitors would experience four different kinds of resources: the remains of Harmony Borax Works, the physical environment with all its limitations, artifacts at the site, and photographic and narrative information in museums and wayside exhibits. The program included new wayside exhibits at Harmony, re-emphasized acquisition of the borax museum, and added a self-guiding trail that accentuated the area's natural attributes.⁶⁴

The Harmony Borax Works development plan followed the prevailing pattern of interpretation in the National Park Service. Instead of simply describing borax mining, the plan recommended a comprehensive and integrated approach to the site's resources, communicated

⁶² Superintendent's Annual Report, 1975, 1, 16, 18-19.

⁶³ Draft, *Harmony Borax Works Interpretive Development Plan*, K1817 Interpretive Activities Planning, 1976-77, Death Valley archives, 1-6.

through the physical artifacts, wayside exhibits on the trail, and printed material. These important dimensions were hallmarks of agency-wide interpretation, fostered by the National Park Service's premier interpreter, Freeman Tilden. In the early 1970s, environmental interpretation attained previously unanticipated significance, as the National Park Service strove to reflect the changing values of U.S. society. Its integration at Harmony Borax signaled the new attention to interpretation and the monument's commitment to mirroring agency standards in the field.⁶⁵

Between 1976 and 1980, the monument's interpretive program implemented the initial steps toward such goals. Visitation fluctuated, dropping slightly in 1976, the Bicentennial year, much to the surprise of monument officials and remaining constant throughout the rest of the decade. Funding for interpretation was intermittent, leaving gaps in coverage. As a result, the Volunteer in the Parks (VIP) program took on renewed significance. At Scotty's Castle, VIPs made it possible to open an exhibit room that explained the design and construction of the complex. A self-guided trail that opened in Golden Canyon prior to the 1978 fall visitor season described by a Death Valley Natural History Association booklet proved to be popular with visitors. Visitors also liked the Salt Creek self-guided nature trail, established late in 1977. It even attracted special attention during the times of the year that the pupfish were active and visible. Interpretive services expanded to include programs at Ubehebe Crater. The National Park Service installed five new wayside exhibits at Harmony Borax Works. The new exhibits emphasized environmental awareness and took visitors through the processes used to collect, separate, and transport borax. The interpretive program at Death Valley also included a response

⁶⁴ Ibid.

⁶⁵ Mackintosh, *Interpretation in the National Park Service*, 67-70; Freeman Tilden, *Interpreting Our Heritage* (Chapel Hill, NC: Chapel Hill Books, 1977) third ed. Reprint, 3-11.

to the mid-1970s energy crisis. An evening program introduced energy conservation to the general monument audience, and school groups received a special program about energy aimed at younger visitors. This awareness program traveled to nearby military installations such as Fort Irwin, civic organizations, and regional elementary schools.⁶⁶

The notion of interpretation as a forum for values the National Park Service wished to promote grew in significance after the second oil crisis of 1979. Visitation to Death Valley declined dramatically as a result of the increase in gasoline costs in both 1974 and 1979, even as the National Park Service enthusiastically embraced the ethic of energy conservation. Death Valley found itself explaining national values instead of the monument to its core audience. A shift in emphasis was necessary. In 1981, the monument refocused on local issues, adding burro removal to the interpretive program. Death Valley and Regional Office officials believed that the monument needed an aggressive posture about unpopular actions such as burro removal. The plight of the Salt Creek pupfish also received interpretive attention. The two programs, “Besieged by Burros” and “Death Valley Pupfish,” illuminated the twin challenges of environmental balance and resource management that typified the monument. Continuing the energy awareness theme, in 1981, the National Park Service added an interpretive program dealing with solar energy and energy conservation.⁶⁷

Technology also played a growing role in monument interpretation. In 1979, the National Park Service developed an improved twenty-minute slide show for Death Valley. The Interpretive Division and the Brooks Institute of Photography in Santa Barbara, California, developed the presentation, called “A Desert Experience.” Because it used the newest audio/visual techniques, the slide show required new equipment for the Visitor Center

⁶⁶ Superintendent’s Annual Report, 1976, 6; Superintendent’s Annual Report, 1978, 10-11.

auditorium. As it had throughout its history, the Death Valley Natural History Association provided funds for the project. The association also donated nearly \$30,000 for film equipment at the visitor center to enable the monument to show a documentary, “Death Valley: Land of Contrasts, Land of Extremes.” Along with the slide show, the National Park Service developed a mobile slide presentation for use in school and civic outreach presentations.⁶⁸

Interpreting in an Era of Little

During the early 1980s, the development of interpretation slowed at Death Valley. Budget surpluses and shortfalls meant that if personnel were added to the interpretive staff one year, their positions often were eliminated the next. However, the demand for interpretation increased annually along with visitation. Each year, the monument asked its interpreters to do more with less. Some years, managers left positions vacant because of a lack of funding. In 1982, Death Valley cut its seasonal interpretive staff from eight to five; in 1983, six seasonals staffed the monument from January through March, while five were available in November and December. Between April and November, the park retained only one. Visitor Center attendance increased 3 percent, to 313,138, while the monument served more than 175,000 visitors with at least one dimension of its programming. Circumstances forced Death Valley to play a difficult game of shifting very limited resources to cover growing needs.⁶⁹

At the same time, the monument matched its efforts to the prevailing currents in agency interpretation. At a result of the direction of the updated *Cultural Resource Management Plan* in 1986, the monument redirected interpretive programming to follow three major themes: cultural/human history; geology; and biotic environment. This reflected two kinds of influence in

⁶⁷ Superintendent’s Annual Report, 1981, 14-15.

⁶⁸ Superintendent’s Annual Report, 1979, 7, 11-13, 32.

⁶⁹ Superintendent’s Annual report, 1982, 15; Superintendent’s Annual Report, 1983, 19.

the national park system – the rise of the concept of cultural landscapes that had become significant as the National Park Service retooled in the 1980s, and the growing momentum acquired by the general label “ecosystem management,” which became a major planning tool within a few years. Strong emphasis on resource management initiated each of the three program areas, linking resource management and interpretation more closely.⁷⁰

By 1986, the National Park Service faced the long-term problem of unsupported growth. Over time, without increased support for interpretation, demand would overwhelm the monument’s ability to offer services. Officials anticipated that Death Valley would not receive sufficient financial resources to support all of its activities. It began to explore partnership relationships. The two most promising was with the monument’s cooperating association, the Death Valley Natural History Association, and with the Death Valley ‘49ers.

The Death Valley Natural History Association was organized in 1954. The association grew from the needs of the San Jose State University field school. Beginning in the 1930s, field school participants arrived at Death Valley every spring, finding a dearth of educational information about the area. By the 1950s, the need was acute. The Death Valley Natural History Association served as the catalyst for providing that information, and the National Park Service as recognized it as a cooperating association in 1954. From these modest beginnings, it became an important source of financial support and energy for interpretation at the monument. The organization grew in significance, providing Death Valley with more than \$61,000 in support funds in 1983. This number represented the apex for Natural History Association support during this era, with more typical levels ranging between \$25,000 and \$35,000 per year. Even these smaller sums offered a tremendous prize for interpretation, which struggled constantly with its

⁷⁰ Superintendent’s Annual Report, 1986, 19; Mackintosh, *Interpretation in the National Park Service*, 100-02;

own budget shortfalls.⁷¹

The Death Valley '49ers played a slightly different role at the monument. Founded in 1949, the organization was closely involved in the California State Centennial celebration. Organizers expected a crowd of about 5,000 at the December 1949 Death Valley centennial pageant they planned. They were shocked to have an audience of more than 65,000, but that translated into a powerful group that began the tradition of holding an annual fall encampment at the monument. Membership fees and other resources created a strong support organization that enthusiastically supported Death Valley National Monument activities. By the 1980s, Superintendent Edwin Rothfuss regarded the support of the '49ers as a vital component of growth in interpretation.⁷²

Visitation growth in the 1980s soon exceeded the capacity of the visitor center, and the monument turned to its partners to help craft a solution. Death Valley personnel proposed a 10,000 square-foot addition to the visitor center. The plan for the "Horace Albright Visitor Center" included additional exhibit space, library and museum storage, space for a sales operation run by the natural history association, and research support space. Planning meetings included representatives of the Western Regional office, the Denver Service Center, the Death Valley '49ers Association, and the Death Valley Natural History Association. The monument expected the '49ers Association to provide major funding for the project. In 1987, a memorandum of agreement between the National Park Service and the '49ers allowed the group's fundraising efforts to provide more than \$3 million to enlarge and rehabilitate the

Melody Webb, "Cultural Landscapes in the National Park System," *The Public Historian* 9:2 (Spring 1987), 77-89.

⁷¹ Superintendent's Annual Report, 1983, 21; Superintendent's Annual Report, 1984, 11; Death Valley Natural History Association, "Employee Information Handbook," (May 1996), 1.

⁷² Superintendent's Annual Report, 1986, 18; Superintendent's Annual Report, 1987, 6, 27; Superintendent's Annual Report, 1989, 23;

Furnace Creek Visitor Center. Even when permission from the director to begin to raise funds for what had become called the “Albright Addition” to the visitor center was received in 1987, monument staff recognized that the combination of fundraising and expansion might take considerable time. In 1990, the new president of the Death Valley 49ers, Earl Schmidt, Jr., promised full support of the Albright project, and pressed California’s congressional delegation to assist in providing funds for the \$5.5 million project. Although the addition was needed, momentum remained elusive.⁷³

Scotty’s Castle complex remained a major interpretive question for Death Valley. The structures not only made tremendous demands on maintenance services, but also required a level of interpretive staffing the monument simply could not offer on its own. The solution came in an unusual application of federal statute, Title 16 of the United States Code. Under an interpretation of a section of Title 16, the monument could hire living history interpreters under the employment training provision of the law. In 1991, the first full calendar year of operations under the reimbursable Title 16 Living History funding program, interpretive funding at Scotty’s Castle rose dramatically, from \$131,000 to \$336,900. The staff of five interpreters in October 1990 increased in number, reaching twenty by February 1991, with four of those as permanent staff additions. Conventional interpretation combined with living history vignettes throughout the year. The increase in funding broadened the capabilities of the monument’s interpretive staff.⁷⁴

CDPA and Interpretation

The passage of the California Desert Protection Act in 1994 and the monument’s

⁷³ Superintendent’s Annual Report, 1986, 32; Superintendent’s Annual Report, 1987, 6; Superintendent’s Annual Report, 1988, 21.

⁷⁴ Superintendent’s Annual Report, 1991, 2-3.

designation as a national park had the potential to radically change interpretation at Death Valley. As CDPA gained momentum, it forced a reassessment of the monument's practices. In 1990, Death Valley National Monument approved a new interpretive prospectus that continued existing emphases. CDPA and the new enlarged Death Valley National Park challenged the existing park interpretation concepts. The much larger, more ecologically representative park, with its enormous wilderness area, required new interpretive thinking, planning, and development. A new plan was again in order.⁷⁵

As late as 2000, as regional planning came to fruition, Death Valley National Park still functioned under the interpretation design put in place before 1994. An interagency endeavor that stemmed from the California Desert Protection Act, the regional planning effort focused on statutory requirements, cross-boundary issues, and other large-scale region concerns. Called the "Northern and Eastern Mojave Planning Effort," it took precedence not only in park planning, but also throughout the federally managed desert. Despite interpretation's significance to Death Valley and even its mention in planning documents after the establishment of Death Valley National Park in 1994, in reality, it followed the larger region-wide questions about land management and resource use and protection. The 2000 *General Management Plan* acknowledged the need for new interpretive planning, emphasized essentially the same goals as interpretation had for nearly three decades, and left the existing prospectus in place until a new plan could be devised.⁷⁶

The park's changed situation illustrated the predicament of interpretation in the new century. For Death Valley National Park, interpretation was a crucial dimension, a primary way

⁷⁵ Death Valley National Park, "Death Valley National Park Revised Environmental Impact Statement and General Management Plan," Death Valley, Calif.: National Park Service, 2000), 74.

⁷⁶ Death Valley National Park, "Death Valley National Park Revised Environmental Impact Statement and General

of communicating its significance to the traveling public. Although interpretation had never received enough resources to fulfill its mission, it provided the basis for much of the park's outside support. This helped create a national constituency for Death Valley and other desert parks, strengthening public support in the face of attacks on conservation in the California desert. Interpretation had become something new in the years that followed World War II and the change to national park status seemed likely to inspire Death Valley to new changes in presentation.

As new regional planning took shape, interpretation initially became a subsidiary responsibility. Of the federal agencies involved in regional planning, only the National Park Service had interpretation as a primary mission. Interagency planning efforts focused on statutory issues and joint mandates, issues such as wilderness designation, cross-boundary issues, and other dimensions that reflected CDPA's goals. While interpretation was hardly tenuous, as the park became part of a regional planning consortium, a process that represented the culmination of nearly seventy-five years of desert cooperation, interpretation became something the National Park Service undertook largely on its own. The 2002 *General Management Plan* accentuated the need for the implementation of interpretive strategies, describing the protection and interpretation of ecological and geological features and historic, paleontological, and archeological sites as a prime goal. Through these means, it sought to further public understanding and appreciation of the California desert. This position preserved the agency's particular skills in interpretation. It also assured that revising interpretation would have to wait until the National Park Service addressed larger interagency questions. Its specific importance to the park and its success over time meant that by 2003, interpretation at Death

Valley National Park was stable, if in need of new breadth.

Early in the twenty-first century, interpretation at Death Valley National Park faced new challenges. The changing distribution of visitation, more heavily weighted toward the summer and showing dramatic increases in foreign visitors, presented significant challenges. At the same time, as the permanent staff grew significantly in size, the year-round visitation and influx of foreign visitors required new interpretive approaches. The Furnace Creek Visitor Center still awaited renovation and expansion. The park aimed for four staffed visitor centers/contact stations, with two open seven days a week, ten hours each day. Other modes of communication played a more prominent role. The park's Web site became a major communication source, and both personal services such as ranger tours and maps, brochures, and a park newspaper further informed the public. Staff contributed greatly to major interagency endeavors such as the new California desert interagency visitor center in Lancaster and the planning for a major interagency facility in Lone Pine.⁷⁷

Interpretation planning continued even after the 2002 *General Management Plan*. As it had nearly every other park document, CDPA rendered existing interpretation planning obsolete. As more people came to the larger park throughout the year, the National Park Service had to reinvent interpretation to serve broader constituencies. The three key subjects remained the same: geology, human prehistory and history, and the desert itself. The modes to communicate Death Valley's marvelous variety had to be broadened to meet the challenges of the new century.

⁷⁷ *General Management Plan*, 2002, 48-50; *Annual Performance Plan for Death Valley National Park*, Part II, Fiscal Year 2002, October 1, 2001 – September 30, 2002.

Chapter 7:

Cultural Resource Management¹

The establishment of Death Valley National Monument in 1933 created a natural park devoted to preservation of the desert. The presidential proclamation that brought the monument into existence paid little heed to the cultural properties inside its boundaries, barely recognizing the importance of the historic fabric of mining that was an integral part of the region. This de facto designation of a natural area inadvertently diminished the significance of cultural activities such as mining. At the time, the National Park Service system generally treated national parks and monuments based on what agency officials perceived to be the most important set of qualities each possessed. Despite the marvelous historic and prehistoric character of Death Valley, natural issues dominated the first generation of management. From 1933 until passage of the National Historic Preservation Act (NHPA) in 1966, the preservation of historic resources at Death Valley was an afterthought.

Until NHPA, the National Park Service conducted the activities that became cultural resource management on an informal basis. Death Valley's cultural resources, primarily mining towns and archaeological sites, typically fell within the daily responsibilities of rangers, not under the jurisdiction of an agency division or even specialized staff at the monument. When the monument could invest in resource protection, most efforts either targeted archaeologically significant sites that needed protection and maintenance or assessed the historic value of mining and its remains. This emphasis characterized most national park areas in the Southwest. Many

¹ "Cultural Resource Management" is the official National Park Service term for this category of agency obligations. Death Valley National Park calls this "Cultural Resources Management," adding an "s" to the title. I have chosen to follow the

parks and monuments in the region were archaeological in character, leading to an emphasis on prehistory in the limited regional planning that took place before NHPA's passage. At the monument level, managers recognized that visitation and its associated impact would only increase. This recognition was acute in California, where anyone who looked at the desert recognized that the state's continued economic growth would attract more people every year.²

Archaeology as Cultural Resource Management

From Death Valley National Monument's inception, National Park Service officials tied its nascent cultural resource management to visitation. Even before the unit's establishment, Sequoia National Park Superintendent Col. John R. White recognized the eventual impact of visitation on Death Valley's cultural resources. After his 1931 inspection of Death Valley, White reported many sites of cultural and historical significance that he predicted "will be soon damaged by the increasing number of visitors." In the face of other demands, devising a strategy and policies to protect those resources became a constant challenge for the National Park Service. Throughout the 1930s, this obligation competed with the pressing need for roads, housing, and visitor facilities, and it often fell behind such needs in an era devoted to capital development.³

Death Valley's cultural resources were vast and varied, but it took many years for the agency to be able to identify, categorize, and manage the variety of prehistoric and ethnohistorical cultural resources inside the monument. Death Valley contained more than 1,500

agency's predominant trend rather than the local variant.

² Peter Wiley and Robert Gottlieb, *Empires in the Sun: The Rise of the New American West* (New York: G. P. Putnam's Sons, 1982), 77-118; Norris Hundley, Jr., *The Great Thirst: Californians and Water, 1770s-1990s* (Berkeley: University of California Press, 1992), 350-405; Roger Lotchin, *Fortress California, 1910-1961: From Warfare to Welfare* (New York: Oxford University Press, 1992), 1-44; Hal K. Rothman, *Preserving Different Pasts: The American National Monuments* (Urbana: University of Illinois Press, 1989), 119-39.

³ Superintendent John R. White to Director, National Park Service, Feb. 24, 1931, DEVA CAT 63332, Death Valley

individual resource sites, including house circles, rockshelters and shelter rocks, campsites, quarries, hunting blinds, rock art, and other types of remains. Many of these were evident to naturalists and surveyors in the 1930s. Many more were uncovered as the monument implemented its programs on remote lands inside the boundaries.⁴

Before 1966, archeological reconnaissance and stabilization dominated the activities that the National Park Service later classified as cultural resource management. Throughout the 1930s and 1940s, seasonal park naturalists mapped fossil beds and tracks in Death Valley areas such as Tin Mountain, Copper Canyon, Saratoga Springs, and Titus Canyon. After such fossil discoveries, the agency tried to minimize damage from unregulated visitation. During the first thirty years of the monument's history, finding the time and financial resources for even such baseline research always proved to be difficult. Death Valley personnel constantly fell short as they tried to manage the growing number of cultural sites with a minuscule work force. The drain on available labor during World War II intensified the problems of resource management, as military obligations took much of the National Park Service into uniform. The Civilian Conservation Corps (CCC), active in the monument until Congress disbanded it in 1942, engaged in nascent cultural resource activity by collecting and cataloguing materials.⁵ Throughout the war, the remaining monument staff continued these practices. Such activity was only a stopgap effort to maintain some semblance of structure during wartime

The New Deal initiated a transformation in the National Park Service's approach to archaeology that continued after the war. Inside the agency, the discipline matured. Federal

archive; Superintendent's Annual Reports 1933-1947, Death Valley archive.

⁴ Krista Deal, *Draft Cultural Resource Management Plan for Death Valley National Monument* (Denver: Technical Information Center, Denver Service Center, 1987), 19-24, DEVA D-149.

⁵ Superintendent's Report January 1949, January 1950; Superintendent's Annual Report 1942; Draft 1987 Cultural Resources Management Plan (Denver: Denver Service Center-Technical Information Center), Death Valley archive, DEVA D-

funds, mostly for salvage work, permitted the growth of a nascent cultural resource management infrastructure. The emphasis that Frank Pinkley, superintendent of Southwestern National Monuments, placed on archaeology before 1940 created a cadre of specialists who remained with the agency or returned to it after World War II. The discipline's increasing professionalization also enhanced its growing significance to the park system. Archaeologists gradually took leadership positions in the National Park Service, carving out additional responsibilities for their profession. By the early 1950s, archaeologists considered themselves scientists who utilized scientific techniques to discern the past. The combination of these factors turned archaeology into the primary cultural resource function in most of the park system throughout the 1950s and 1960s.⁶

The National Park Service emphasis on the archaeological ruins and artifacts of southwestern culture did little for Death Valley. Since the monument's cultural resources did not match the model the agency followed, the Southwestern National Monument Group devoted few resources to Death Valley's programs. The agency funded very little fieldwork; and the monument failed to receive resources to protect cultural resources and present them to the public. Despite recognition of the need for a museum to display Death Valley's collections, early budgetary factors precluded construction. Such limitations characterized every aspect of cultural resource management, creating hard choices. In one telling instance, Park Naturalist L. Floyd Keller plaintively wrote that Death Valley could afford a slide projector only because of the "abbreviated tour of duty of the Seasonal Naturalist." The lack of resources forced him to use a

149, 7.

⁶ Paul Fagette, *Digging for Dollars: American Archaeology and the New Deal* (Albuquerque: University of New Mexico Press, 1996), 19-98; C. W. Ceram, *The First American: A Story of North American Archaeology* (New York: Harcourt, Brace, Jovanovich, 1971), 106-58.

personal camera for monument activities.⁷

In the 1950s, archaeology's renewed importance in the nation's universities sparked efforts to explore and protect Death Valley's cultural resources. A host of private and university-sponsored projects aimed at surveying the area's vast archeological deposits came to the monument. In 1950 and 1951, a team of University of Southern California scientists, working in cooperation with National Park Service Archeologist Louis Caywood, mapped and catalogued Death Valley's known cultural sites. The researchers concentrated on areas such as Mesquite Spring, Daylight Pass, and Manly Terrace. A 1951 University of California archeological survey completed surface excavations of caves north of Furnace Creek, including the Coville Rockshelter. C.W. Meighan noted the enormous potential for major finds in Death Valley in the survey's final report. His work illustrated the need for proactive management of cultural sites to protect them from unauthorized collecting. Historically, the monument had depended for protection on the size of the desert and the general lack of knowledge about its resources. To minimize trails to such locations, agency archeologists typically restricted inspections of sites to one annual visit.⁸ This alone did not constitute sufficient protection.

The damage done by amateur collectors who entered archaeological sites and dug through ruins in search of artifacts had plagued the federal government since before the establishment of national parks. The individuals who found archaeological ruins and turned them into personal cottage industries filled the history of western expansion. Richard Wetherill, the cowboy from Mancos, Colo., who found Mesa Verde and later excavated Chaco Canyon, was

⁷ Park Naturalist to Superintendent, Death Valley National Monument, Aug. 18, 1950, Death Valley files, Box 281 File DNM 620-46, Museum, National Archives and Record Administration, Pacific Region–San Bruno (hereafter NARA–SB).

⁸ C.W. Meighan, *Archeological Survey in Death Valley* (Denver Service Center, Technical Information Center, 1953) Death Valley archive, D-83.

only the best known of the breed. Some of the first areas reserved by the federal government were attempts to prevent expropriation of the nation's patrimony. Even after World War II, the prospect of unauthorized collecting was enough to boil the blood of any self-respecting park ranger.⁹

Between the early 1950s and the 1966 passage of NHPA, the National Park Service relied on contract work to accomplish research goals in Death Valley. This approach, a mixed blessing for the National Park Service, allowed the agency to conserve its limited resources, but simultaneously it left the scientific agenda in the hands of university researchers. In 1952, two University of Southern California archeologists, William Wallace and Alice Hunt, began a twenty-five-year exploration of Death Valley's archeology, becoming the dominant figures in the field.¹⁰ Although contract archaeologists allowed the agency to devote its limited resources to other activities, the practice also diminished both the National Park Service's input into park archaeology and its control over the study of the monument's archaeology.

Limits Prior to NHPA

The limitations of National Park Service funding and staff levels also compelled the agency to depend on contractors to restore cultural sites. Before 1966, the monument dedicated little time and funding to managing cultural sites. Private sources funded the few restoration projects that took place, with the monument's longtime patrons and landowners inside its boundaries typically taking the lead. In a primary example, in 1953, the Pacific Coast Borax

⁹ Frank McNitt, *Richard Wetherill: Anasazi* (Albuquerque: University of New Mexico Press, 1956), 1-27; Curtis M. Hinsley, *Savages and Scientists: The Smithsonian Institution and the Development of American Archaeology, 1846-1910* (Washington, D.C.: Smithsonian Institution Press, 1981), 1-64; Gordon R. Willey and Jeremy A. Sabloff, *A History of American Archaeology* (London: Thames and Hudson, 1974), 7-31.

¹⁰ Superintendent's Monthly Report November 1950, December 1950, October 1950, July 1951, February 1951, January 1951, July 1952; Superintendent to Director, "Annual Report of Officials in Charge of Field Area," June 15, 1955, A2683, Death Valley archive; *Death Valley Cultural Resources Management Plan* 1987, Death Valley archive, 7; Alice Hunt,

Company spent more than \$1,000 to restore Harmony Borax Works. Contracted labor crews encircled the site with a wrought iron fence, and repaired or replaced its dilapidated features. Company officials hoped that the fence would dissuade relic hunters who periodically raided the site. In time, those officials hoped, Harmony Works might become a museum highlighting borax mining in Death Valley. That same year, Pacific Coast Borax moved an historic building from Twenty Mule Team Canyon to Furnace Creek Ranch. Many monument visitors had viewed the 1872 structure that stood midway down the canyon. Pacific Coast Borax regarded the structure as culturally and historically significant; the company had used the building as its headquarters and base of field operations during the age of borax mining. Pacific Coast Borax concluded that the building would be more valuable to the public if the monument relocated it to a more accessible location and retrofitted the structure with safer entrances and furnishings consistent with its late-nineteenth century history. Their efforts resulted in a well-equipped showplace that opened in November 1954. Short on workpower and funding, the National Park Service eagerly supported Pacific Coast Borax's effort.¹¹

Pacific Coast Borax's renovation of its old headquarters offered a complicated picture of the monument's proto-cultural resource management. Although the company valued the property, most visitors regarded it as something other than an historic artifact. The National Park Service's mission included the preservation of nationally significant historic resources, but Congress typically did not provide enough resources to fulfill that mission. The circumstances led to a conflating of different kinds of objectives – the National Park Service's need for historic ambience and Pacific Coast Borax's desire to preserve and promote its past. The tension at the

Archaeology of Death Valley Salt Pan, University of Utah Archaeological paper, No. 40 (1960).

¹¹ Superintendent's Monthly Report, February 1953, January 1953, November 1954; Acting Superintendent to

intersection of these objectives characterized historic preservation at Death Valley before the 1966 passage of NPHA.

The monument's planning process also highlighted the secondary role of cultural resources. Death Valley's extensive 1960 *Master Plan* illustrated the National Park Service's spotty knowledge of its own archaeological landscape. Because of a lack of baseline data, the plan made few provisions for cultural resource management. Instead, it served as a catalogue of existing issues at the monument, chronicling many significant cultural resources. It also advocated an acceleration of natural resource and archeological research projects. Such limited strategies reflected the lack of structure for such management in the National Park Service as a whole, the relative lack of significance accorded historic resources in general, and the constraints of managing a large national monument without adequate resources.¹² Cultural resources at Death Valley were caught in a trap that limited their significance to the National Park Service even as the demands of their management exponentially expanded. Without resources, the agency could not possibly fill the gap.

NHPA and the Monument

Only a statutory imperative could alter the terrain, and with the passage of the National Historic Preservation Act, a new era began for cultural resource management in the park system. The law created a legislative requirement to assess and monitor cultural resources. It required the National Park Service to identify and evaluate prehistoric and historic sites and ruins, and determine their potential eligibility for inclusion in the National Register of Historic Places. The NHPA also expanded the National Register of Historic Places to encompass places of local, state

Director, "Annual Report of Officials in Charge of Field Areas, May 30, 1953, A2683, Death Valley archive.

¹² "Master Plan for Death Valley National Monument, Mission 66 Edition," January 1960, D18 Master Plan, January

and regional significance. Supplying matching federal funds to state and local governments to conduct surveys and develop preservation plans for specific projects made compliance feasible. The act simultaneously created the Advisory Council on Historic Preservation and established procedures to protect sites covered in the legislation from any expenditure of federal funds.¹³

Historic preservation had been a longstanding, if secondary, obligation of the National Park Service. During the New Deal, the agency became responsible for preserving much of the fabric of U.S. history as it acquired the majority of the nation's historic and archeological sites, but preservation remained an intellectual tangent within the agency. In no small part because of the efforts of Director George Hartzog, Jr., by the time NHPA became law, the National Park Service had already stepped up its administrative capability for historic preservation. With the National Park Service's creation of the Office of Archaeology and Historic Preservation in 1967, historic preservation finally reached administrative parity with archaeology.¹⁴

Executive Order 11593 in 1971 further accentuated the National Park Service emphasis on historic preservation. Labeled an order for the "Protection and Enhancement of the Cultural Environment," this attempt to clarify NHPA charged federal agencies with the responsibility to survey all lands in their jurisdiction and nominate suitable properties to the National Register of Historic Places. It required the secretary of the interior to advise other federal agencies in matters pertaining to the identification and evaluation of historic properties. The order eliminated the vague enforcement described in the 1966 legislation, and required federal agencies to assess

1960, P.R.G. 1-7, Death Valley archive.

¹³ Ronald A. Foresta, *America's National Parks and Their Keepers* (Washington, D.C.: Resources for the Future, 1984), 132-36; Lary M. Dilsaver, ed. *America's National Park System: The Critical Documents* (Lanham, MD: Rowman and Littlefield, 1994), 302-8.

¹⁴ Foresta, *America's National Parks and Their Keepers*, 132-33; Alfred Runte, *National Parks: The American Experience*, 2nd ed. (Lincoln: University of Nebraska Press, 1987), 219-220; Barry Mackintosh, *The National Historic Preservation Act and the National Park Service: A History* (Washington, D.C.: Government Printing Office, 1986), 1-4.

every undertaking, any activity on federal land or that used federal funds, and evaluate and record the potential impact on cultural resources. Along with NHPA, the 1971 executive order gave the National Park Service a clear mandate to identify and manage the cultural resources under its care in proscribed ways. Longtime NPS Regional Historian Gordon Chappell described Executive Order 11593 as a “kick in the pants” for the National Park Service.¹⁵

NHPA and Executive Order 11593 reflected the nation’s larger response to changing circumstances. Between the mid-1950s and the end of the 1960s, downtown areas throughout the nation experienced “urban renewal,” a phenomenon that typically replaced the sometimes decaying historic landscape with large, architecturally insignificant boxlike housing structures that obliterated the cities’ character and identity. Very often, urban renewal projects included highway construction that bifurcated cities and isolated neighborhoods, creating landscapes of visual blight.¹⁶ As the nation became interested in not only its environment, but in its historic vernacular architecture in the aftermath of urban renewal, remote national park areas such as Death Valley benefited from the new legislation.

Death Valley National Monument’s size and its hundreds and even thousands of potentially eligible sites presented monument staff with a daunting task that the new federal regulations made imperative. Historic resources had been in a complex position at Death Valley. Establishment of the monument stemmed in no small part from the desires of a mining company whose business had changed. As the 1954 Pacific Coast Borax museum effort showed, historic resource management at Death Valley possessed both a constituency and potential financial

¹⁵ Gordon Chappell, interview by Hal Rothman, Dec. 12, 2002; Executive Order 11593, “Protection and Enhancement of the Cultural Environment,” May 13, 1971, in Dilsaver, ed. *America’s National Park System*, 377-78.

¹⁶ Jon C. Teaford, *The Rough Road to Renaissance: Urban Revitalization in America, 1940-1985* (Baltimore: Johns Hopkins University Press, 1990), 1-16.

support. The monument began the obligatory evaluation process more quickly than did most units in the park system. Since Death Valley contained a number of obvious choices for evaluation and nomination, including Skidoo, Harmony Borax Works and Leadfield, the selection of sites for evaluation proved the easiest step.

The question of historical significance dogged the evaluation process. Some in the National Park Service regarded Death Valley's historical features as insignificant in a national context, and the monument's planning process reflected that perspective. The controversial 1971 *Historical Resources Management Plan* continued that theme, disparaging some of the monument's historical resources. RMP team leader Ross Holland described Leadfield's historical significance as slight, remarking that nothing about the former mining town warranted time or funding for preservation. This document and the point of view it reflected complicated the process of evaluation. Not only did the monument have to find resources to fund the evaluation process, but it also had to spend time and effort to justify its choices in the face of planning documents that diminished Death Valley's historic significance.¹⁷

In no small part because of this tension, cultural resource activity at Death Valley between 1966 and 1976 remained largely reactive. A major planning document argued against the historic significance of precisely the features the monument regarded as most valuable. As a result, cultural resource management efforts lacked a discernable focus besides complying with federal law. Yet, new patterns that reflected the demands of statute emerged as well. Starting in 1966, the National Park Service undertook a more deliberate cultural resource management approach. When the agency proposed a series of structural improvements to various water and

¹⁷ *Draft of Historic Resources Management Plan*, August 1971, H30, Archeological and Historic Structures General, 1970-1972, Death Valley archive.

sewage systems, archaeologist William Wallace studied the areas that the construction projects would affect. He explored a number of important sites, including Cow Creek, Furnace Creek, Harmony Borax Works, and Stovepipe Wells. Since Wallace and others had already investigated some of the areas, the 1972 survey did not yield significant additions to existing knowledge. It did fulfill the monument's legal obligations and highlighted the National Park Service's growing commitment to statute-based cultural resource management and protection.¹⁸

Momentum for more comprehensive management of Death Valley's cultural resources coalesced. Holland's *Historic Resources Management Plan* generated significant criticism from those who cared about the monument's cultural resources. The "idea of compliance initially was to get F. Ross Holland [and] give him six months to run around looking at all of the parks in California, Nevada, and Arizona, and come up with a list of the historic resources," Gordon Chappell recalled in 2002. "Well, you can figure how many of those he could look at in six months."¹⁹ With a clearly negative perspective as a governing principle, committed professionals found ways to counter the impression that Death Valley's cultural resources were not significant.

This reactive mode did achieve a number of important results. In the early 1970s, Death Valley staff placed National Register of Historic Places nominations atop their priority list. National Register nominations had the advantage of codifying the significance of selected properties, with a listing granting de facto national significance. In a monument battling an agency service center's negative evaluations of its resources' importance, the nomination process provided not only important focus, but also a way to expend limited funds to Death Valley's advantage.

¹⁸ William J. Wallace, "Archaeological Reconnaissances in Death Valley National Monument," Nov. 10, 1973, Group 2, 1970-1980, H14-H30, ACC No. 1296, Death Valley archive.

The National Park Service also responded to threats to cultural resources even when NRHP nomination was unlikely. In late 1970, monument staff worried over the eroding condition of the Wildrose Charcoal Kilns. Built by the Modoc Consolidated Mining Company and completed in 1877, the kilns offered one of the best historic remnants of mining in Death Valley. From the site, miners had hauled the charcoal twenty-five miles across the Panamint Valley to the Argus Mountains, where they had used it as fuel for smelting. Wildrose had a short history. By 1879, miners no longer used the structures; the ten beehive-shaped kilns spaced five feet apart had consumed all of the timber that workers could profitably transport to them.²⁰

The kilns, thirty-one feet across and twenty-seven feet in height, desperately needed stabilization in the 1970s. The rough and irregular stones used in their construction had weathered badly. The most outstanding feature of the kilns was their balance, symmetry, and form, but rain and snow had worn away the exterior mortar. Alternate cycles of freezing and thawing exfoliated some of the stones. Unlike vertical-walled structures, the sloping-walled kilns not only accumulated the debris from their own decomposition, but also concealed the actual condition of the walls. Much of the debris from weathering remained in place so that the outer surface appeared to be in much better condition than it really was. The agency feared that the kilns would eventually cave in, making viable repairs impossible.²¹

In April 1971, the Southwest Archeological Center (SWAC) in Globe, Arizona, began stabilization and repair of the kilns. SWAC project managers recognized that because the interior mortar was still in good shape, the kilns had avoided implosion. They concluded that if work

¹⁹ Gordon Chappell interview, Dec. 12, 2002.

²⁰ Southwest Archeological Center, *Day Labor Job by Ruins Stabilization Unit, Completion Report*, H30 Historical Sites and Structures, Charcoal Kiln – 1970-1977,” Death Valley archive.

²¹ Ibid.

crews could reinforce the exteriors, the kilns would stand indefinitely. Crews removed all the deteriorated or missing stone and mortar during a month of work, replacing the original components with similar materials. They removed loose stones and mortar and reset them in their original positions. New stone from the original quarry site replaced missing or deteriorated stones. Despite its high clay content, the laborers used unwashed sand from the alluvial hill directly behind the kilns. This yielded a mortar mix that matched the color and texture of the historic mortar. The National Park Service was extremely pleased with the stabilization effort, and it made consideration of the kilns for inclusion on the National Register a real possibility.²²

Preserving Skidoo

Despite difficulties, Death Valley began the arduous process of complying with statute and achieved some success. In 1974, the agency nominated its first entry to the National Register: the former mining town of Skidoo. The site was an excellent candidate for a national historic district. A typical frontier mining town, at its peak it boasted a population of more than 500, and contained stores, saloons, stables, and crude residential dwellings. Various mill facilities, which varied from one-man operations to complex company structures, surrounded the town. Near Skidoo, a fifteen-stamp mill spread down one of the hills, and small wood and sheet-metal structures dotted the area at the top of the mill. In 1974, because of the absence of substantive remains, it was difficult to envision the bustling town of Skidoo. When he first visited in the mid-1970s, Historian Gordon Chappell “was surprised to find the Skidoo Mill basically still standing. Winds and vandals had ripped a lot of the corrugated metal off of it but the framework was still largely intact,” he recalled. “On the lower floor, somebody had attached a cable to some of the machinery and tried to drag it out the side wall. And they had done a fair

²² Ibid.

amount of damage.” The remains of water vats were scattered about, and a loading chute, made of decaying wood timbers, perched above the vats. Concrete pads marked the former locations of mining shacks and offices. Mine shafts and test pits littered the surrounding area.²³

Skidoo offered Death Valley a considerable historic asset. The town possessed impressive interpretive qualities; it permitted easy access to visitors and interpretation in ways matched only by a few other mining sites. A comprehensive example of how mining operated between 1875 and 1930, it was one of the few sites that illustrated the process of large-scale mining of narrow ore veins. The surface mill structures represented the era’s practices and provided an excellent example of the gravity-fed system by which equipment separated gold from its ore. The area also contained examples of where workers had mined the ore veins to the surface, and visitors could view the mine workings along these veins above the ground. Skidoo made it possible to tell the story of mining after the initial wave of nineteenth-century borax extraction.

Skidoo clearly met the criteria for inclusion on the National Register, yet it simultaneously highlighted the complicated nature of managing cultural resources at Death Valley. The federal government owned the land on which the town stood, but before the 1976 passage of the Mining in the Parks Act, that acreage remained subject to mineral entry. At least thirty-two unpatented mining claims and part of two patented ones lay within the boundaries of the proposed National Historic District. Both the patented lands and unpatented claims were beyond the agency’s reach. Mining still enjoyed a privileged position inside the monument. Much to the consternation of National Park Service officials, mining’s legal authority matched or

²³ Regional Historical Architect, Western Region, to Regional Director, Western Region, March 30, 1977, H30 Skidoo, 1973-77, Death Valley archive; Department of the Interior, “Proposed Regulation of Mining in the Skidoo National Historic

even superceded that of Death Valley. Even more, lax national law, particularly the Mining Act of 1872, allowed individuals to easily perfect mining claims on federal land. As a result, claims in and around Skidoo posed a threat. The stamp mill was privately owned, adding another layer of complication to the already difficult circumstances. The relationships between landowners and the National Park Service were at best frosty, and the agency faced the prospect of being unable to use even new laws to protect an important historic resource inside monument boundaries.²⁴

Seeking the preservation of Skidoo was a risk the National Park Service had to take. The agency had limited resources for historic preservation at Death Valley and faced the prospect of devoting a significant portion of its meager allotment to a process that landowners might readily thwart. Yet, the property's significance was great, and the regional office made a strong case for immediate action. Skidoo was rapidly deteriorating. When Regional Historical Architect Robert M. Cox inspected the structures in 1977, he described their condition as desperate. Emergency stabilization work on the buildings was essential, but the National Park Service required permission from a host of claim holders before it could begin to stabilize structures at Skidoo. At the same time, the agency needed a mechanism for including the remains of the community within the monument. Barring a court ruling that invalidated mining claims to the property, the agency could only expend funds to buy the site or hope for the unlikely prospect of a donation.²⁵

The sentiment in the National Park Service for an aggressive move at Skidoo came not from Death Valley, but from the regional office. Thomas Mulhern, chief of the newly formed regional Division of Park Historic Preservation, and Regional Historian Chappell argued that the

Register; Property," H30 Skidoo, 1973-77, Death Valley archive, 5-6; Gordon Chappell interview, Dec. 12, 2002.

²⁴ Death Valley National Monument, "Proposed Regulation of Mining Within the Skidoo National Historic Register Property, Death Valley National Monument, California, 1975," 1-4.

²⁵ Regional Historical Architect to Regional Director, Western Region, March 30, 1977, H-30 Skidoo 1973-1977, Death Valley archive; Superintendent's Report, 1984.

National Park Service should try to acquire the part of the claim where the mill stood. Neither in use nor necessary for extant mining, the property needed significant protective care. Passage of the Mining in the Parks Act in 1976 bolstered the agency's case. Acquisition granted necessary legal authority and the justification for funding to stabilize the structure. The idea was more popular at the regional office than at the monument. "More than one superintendent viewed such a project as merely another headache he didn't need," Chappell remembered, "and so they dragged their feet, and dragged their feet, and dragged their feet."²⁶ The acquisition effort stalled.

While that attempt faltered, the National Park Service pursued a number of strategies to secure the Death Valley properties. Some negotiations with private owners continued for more than a decade. As late as the early 1990s, the agency contested a number of mining claims in the Skidoo Historic District. Using the criteria established in the Mining in the Parks Act, the agency charged that claimants failed to develop the property even to the minimal requirements of the Mining Act of 1872. This tactic had been successful in other cases inside the monument, and it seemed the best strategy to achieve National Park Service goals. In 1992, the National Park Service informed claim owners Carl Dresselhaus and Virginia Troeger that their mill's deterioration posed a potential risk to public safety. The letter included a tacit offer to accept the land as a gift, with a pledge for National Park Service restoration and maintenance of the structures. After this gentle push, Dresselhaus and Troeger reversed their previous position and worked with the agency to resolve the issue. They formally donated Skidoo in December 1992, but the elapsed time led to further deterioration. "By the time we got the property, the mill building had collapsed around the stamps," Chappell wistfully recalled. The National Park Service promptly requested emergency stabilization funding for the following fiscal year. As it

²⁶ Gordon Chappell to Hal Rothman, Dec. 5, 2002.

waited for money, the agency documented the collapse of the upper third of the main structure, a tremendous cultural resource loss. It continued to monitor the condition of the rest of the property, developing a preliminary historic structure report in 1998. Stabilization efforts continued, but some lamented the loss. “All we have there today is a ruin,” Chappell concluded in 2002.²⁷

Regulatory Mechanisms and Historic Preservation

The *List of Classified Structures* (LCS) and National Register eligibility criteria became catalysts for cultural resource preservation at Death Valley. In 1974, the National Park Service nominated Harmony Borax Works and Eagle Borax Works to the National Register. The story of borax mining was an essential piece of regional history, and the two borax works offered a significant portion of that history. Prominent San Francisco businessman W.T. Coleman set up Harmony Borax Works in late 1883 or early 1884. When in full operation, it employed forty men and produced three tons of borax a day using a boiling operation to process the cottonball borate ore. Mule teams and double wagons hauled the product 165 miles to the railhead at Mojave, the genesis of the famed “Twenty-Mule-Team-Borax” advertising campaign, a fixture in U.S. life during the first half of the twentieth century. The plant ended operations in 1888, when Coleman’s financial empire collapsed. Acquired by Frank H. Smith, Harmony Borax Works never resumed the boiling of the ore, and in time the minerals became part of the borax reserves of the Pacific Coast Borax Company and its successor companies.²⁸

²⁷ Death Valley National Monument, “Environmental Assessment: Proposed Regulation of Mining in the Skidoo National Historic Register Property,” H30 Skidoo 1973-1977, Death Valley archive; Briefing Statement – General Information, Death Valley National Monument, January 1993, Death Valley archive; Donald L. Fife, “Mesothermal Gold Mineralization: Skidoo-Del Norte Mines, Death Valley,” *California Geology* (April 1987): 86-93; Superintendent’s Annual Report 1992; Harlan D. Unrau, “Preliminary Historic Structure Report, March 1998: Skidoo Mill/Mine, Death Valley National Park,” 1-4, Death Valley archive; Chappell to Rothman, Dec. 6, 2002.

²⁸ John B. Clonts to Herbert Rhodes, Aug. 16, 1976, H30 Historical Sites and Structures, Harmony Borax Works 1975-

In these early nominations to the National Register, National Park Service personnel recognized that effective cultural resource management required significant agency resources. In one example, by 1975 the walls of the Harmony Borax operation had fallen into disrepair. With a \$30,000 gift from the Death Valley '49ers Association, agency personnel, a team from SWAC, and members of the California Ecology Corps undertook emergency stabilization efforts. In February and March 1975, Senior Project Supervisor George Chambers of the Western Archeological Center directed the Harmony Borax repair efforts. Teams under his supervision reset or replaced collapsed portions of the retaining walls of the main ruin within the protective fence and repaired basal erosion damage to the walls of two adobe structures. The teams also removed rubble patching from the eroded retaining walls and inserted sandstone blocks that matched the original masonry. The monument's efforts to stabilize and restore Harmony Borax continued in 1977. The '49ers Association also earmarked a portion of their gift fund to conduct in-depth cultural studies of the site, in hopes of improving interpretation for the hundreds of thousands of annual visitors. Stabilization activities continued, with wall restoration and efforts to restore the wagon from the famed 20-mule team borax trains in 2000 reflecting the national park's ongoing commitment to the site.²⁹

Even preserved mining properties faced threats from nearby mining claims. The problem was particularly pronounced at Skidoo, and the town's importance as a cultural resource compelled agency action. The monument lobbied for Skidoo to be withdrawn from all future mining claims. During the NRHP nomination process, staff personnel realized that simply nominating a cultural resource did little to protect the site. The law required monitoring and

77, Death Valley archive.

²⁹ Superintendent's Annual Report 1974; Superintendent's Annual Report 1975; Death Valley National Park, Annual

recording, but provided little actual physical protection. Active management had to be part of the National Park Service's strategy. During 1974 and 1975, efforts to comply with the provisions of the 1966 act and Executive Order 11593 included the nomination of Leadfield to the National Register. The federal government placed Skidoo on the register on April 10, 1974, and added both Eagle Borax Works and Harmony Borax Works on Dec. 31, 1974. National Park Service personnel submitted Leadfield to the National Register on June 10, 1975, bringing the total of Death Valley entries to four. The agency added Keane Wonder Mine and Mill; Death Valley Ranch, the official name for Scotty's Castle; and Ashford Mill to the National Register by 1980. The efforts demonstrated that the National Register process had become the linchpin of cultural resource management at Death Valley National Monument, as well as the monument's guide for compliance.³⁰

As directed in Executive Order 11593, monument personnel developed a *List of Classified Structures*, an architectural and maintenance inventory, to account for historic properties in Death Valley. An updated LCS would contain all the properties that the National Park Service determined had met the National Register criteria for significance and integrity. In 1975, a Western Region LCS field team, headed by Gordon Chappell and in Chappell's words, "funded adequately," began a comprehensive list of classified structures. "The problem was that nobody had done the National Register evaluations to find out what in these parks really met those criteria," Chappell recalled. When funding arrived to make the LCS current, historical architects had to undertake cost estimates and examinations of the resources, and historians had to find historical data to determine what qualified for the list. "It was the LCS funding more than

Report, 2001, 33-36.

³⁰ National Register of Historic Places, Nomination Forms, H32, National Register of Historic Places, Death Valley

anything else that really got us going in evaluating the cultural resources region-wide,” Chappell remembered.³¹

The team utilized Benjamin Levy’s 1969 *Historic Resource Study of Death Valley* as its guide, eschewing Ross Holland’s controversial 1971 study that disparaged the monument’s historic qualities. After establishing the scope of the research, the team spent six months researching mining journals and other sources. Chappell and the team arrived at Death Valley in December 1975. During a two-week stay, they conducted on-site surveys of most of the mining sites listed on the LCS. As a result of that visit and the supporting studies, sixty-five additional structures or sites were considered as candidates for further study and possible nomination to the National Register. Based on LCS research, twenty-five sites were determined ineligible, while some forty others were deemed to merit more intensive study.³²

By 1976, ten years after the National Historic Preservation Act, Death Valley had devised a structure for CRM compliance. A comprehensive research agenda had become an important component of the process, adding new dimensions to the actions of monument staff. National Register nominations demanded fresh research, often into subjects that Death Valley personnel never before had the opportunity to study. The limited historic resource investigation that preceded compliance did not serve the National Park Service’s new mandate, and the agency had to assemble baseline information to meet its statutory obligations.

Museum Collections

The monument’s museum collection provided another dimension reflecting Death

archive; Superintendent’s Annual Report 1975.

³¹ Gordon Chappell interview, Dec. 12, 2002.

³² Superintendent’s Annual Report 1975; Linda W. Greene and John A. Latschar, *Historic Resource Study: A History of Mining in Death Valley National Monument*, 2 Volumes (Denver: Department of the Interior, 1981), iv-v.

Valley's heightened emphasis on cultural resource management. In 1975, the National Park Service prepared a *Scope of Collections Statement* for the Furnace Creek museum that highlighted the inadequacies of storage and preservation facilities. It also suggested alternative plans for administering the rapidly growing artifact collection, which then exceeded 15,000 specimens. The plan offered direction and order for the monument's efforts to house, preserve, and categorize the collection. In a dramatic acknowledgment of the limits of prior management, the authors of the collections statement advocated a moratorium on artifact additions. The monument's museum facilities were overwhelmed, with no remaining storage space and little workpower devoted to collections, the plan observed. Only when an artifact, specimen, or other item filled a previously defined need or requirement should the monument pursue acquisition, the authors recommended.³³

The collections statement also reflected other goals. The museum needed a new organizational focus. The document articulated new intellectual boundaries for the collection, offering a broader conception of Death Valley's past and present. Building from the 1972 *Interpretive Prospectus*, the collections statement linked the monument's artifacts to interpretation. In conjunction with the *Interpretive Prospectus*, the statement established priorities in each of the monument's existing themes. The desert still dominated interpretation, but cultural resources that articulated human and mining history became an integral part of the museum's collection management philosophy.³⁴ On at least some levels, Death Valley staff expressed a determination to work with the artifacts it had to tell the region's story.

³³ *Scope of Collections Statement*, Death Valley National Monument, 1975; Contract Conservation Specialist to Chief, Division of Museum Services, Feb. 27, 1973, D6215 Museum – Exhibit Activities – Plans, Prep., Maint., 1973-75 Death Valley archive.

³⁴ *Scope of Collections Statement*.

Changing CRM Standards

The variety of new legislation introduced throughout the 1970s played a major role in cultural resource management in other ways. Throughout the national park system, inholdings continued to frustrate National Park Service planning. Death Valley's peculiar circumstances heightened this dilemma, for it combined an important dimension of cultural resource management – historic preservation – with the myriad problems of private land inside monument boundaries. Most important historic structures and locations remained in private hands on lands under claim. Until the passage of the Mining in the Parks Act in 1976, Death Valley remained vulnerable to ongoing and renewed mining activity. Before passage of that legislation, the General Mining Act of 1872, one of the least restrictive pieces of federal land legislation, governed mining even within national park boundaries. Ongoing mining had long compromised National Park Service goals at Death Valley. The new legislation resolved such questions with a far more stringent set of regulations for mining in national park areas.³⁵

The Mining in the Parks Act had specific implications for cultural resource management at Death Valley. By creating a more restrictive standard for mining in the park system, it limited one major ongoing threat to the integrity of resource management. At the same time, it brought Death Valley's peculiar problem with mining to the forefront of agency consideration. The law exempted Death Valley and two other parks from new surface disturbances for a period of four years. Mining could continue only in those areas where disturbances had already taken place.³⁶

Although the new legislation helped codify the values of cultural resource management, it also created a new burden for Death Valley's staff. During 1976, the monument engaged in a

³⁵ "Mining in the National Parks Act of 1976" (PL 94-429), 16 USC, Title 16, Chapter 39, Section 1201-1212); David Darlington, *The Mojave: A Portrait of the Definitive American Desert* (New York: Henry Holt, 1996), 313.

³⁶ "Mining in the National Parks Act."

mining claim survey, evaluating 1,180 claims without patents on which claimants filed notices of location or proofs of labor. An equal number of claims on which filings or other evidence of an active interest had been indicated since 1972 also required assessment. The process required a massive commitment of National Park Service resources. Much was at stake, as each claim had the potential to become a new permanent inholding. Archeologists assessed the claims in case some were determined to be valid and their resources lost to Death Valley.

This Herculean effort of site evaluation of mining claims took a little more than a year and significantly helped compliance at the monument. William Wallace's existing archeological overview provided detailed data and recommendations, providing the very kind of baseline data in such short supply at Death Valley. Archeological crews examined Wild Rose Canyon, Mesquite Spring, Virgin Spring Canyon, Arcane Meadows, and the area along the hiking trail to Telescope Peak, Nemo Canyon, and the Hunter Mountain Area. Death Valley personnel either recommended these locations for field surveys in the overview or reported them as known to contain recorded sites that the mining claims might affect. After surveying less than 10 percent of the monument, scientists recorded nearly 1,500 archeological sites. Despite the burden, the work became an impressive capstone to the extensive archaeological investigation undertaken at Death Valley. The mining claim survey also prepared the way for National Register nominations for multiple archeological districts and themes for the monument.³⁷

The passage of the Mining in the Parks Act also added significant impetus to creating a comprehensive history of Death Valley's mining cultural resources. The National Park Service

³⁷ Wallace, "Archaeological Reconnaissances in Death Valley National Monument"; Chief, Cultural Resources Management to Associate Regional Director, July 25, 1977, H30 Archeological and Historic Structures, General – 1976-77, Death Valley archive; Krista Deal, "Draft Cultural Resource Management Plan for Death Valley National Monument," Sept. 30, 1987, Technical Information Center, Denver Service Center, National Park Service, 60-63.

needed considerably more mining information, both to preserve the past and to protect itself from spurious mining claims. Denver Service Center historians Linda Greene and John Latschar completed a draft of a multivolume resource study of Death Valley's mining history in 1979. The work sought to determine which significant historic resources might be adversely affected by continued or future mining operations. It also provided the necessary information to nominate other areas to the National Register, bringing the monument closer to compliance. As a direct result, Death Valley completed nominations for eighteen mining-related sites during 1980.³⁸

Other pieces of legislation throughout the 1970s required more comprehensive cultural resource management at Death Valley. During the environmental revolution of the 1960s and 1970s, cultural resources had been a secondary concern. The national coalitions that supported conservation and environmentalism primarily were concerned with natural resources. During and even after the years between the passage of the Wilderness Act in 1964 and reauthorization of the Endangered Species Act of 1978, Republicans and Democrats congressmen combined to pass an impressive body of legislation that protected cultural resources. The new statutes created a set of dictates that typically resulted from the National Historic Preservation Act of 1966 or its amendments in 1974 and 1980. The demands of these laws and regulations followed the National Environmental Policy Act, but addressed different concerns than the legislation that governed natural resources management. Historic preservation laws created parallel legislative rules that required the National Park Service to develop an equivalent management structure for cultural resources. Statutory obligations, such as compliance with sections 106 and 110 of the amended National Historic Preservation Act of 1966, the American Indian Religious Freedom Act of

³⁸ Superintendent's Annual Report 1979; Greene and Latschar, *Historic Resource Study: A History of Mining in Death Valley National Monument*, iii.

1977, the Archaeological Resources Protection Act of 1979, and later the Native American Graves Protection and Repatriation Act of 1991, and a host of other laws and rulings demanded constant attention at Death Valley. By the 1980s, park and monument areas could no longer allow their personnel to leave cultural resources to fend for themselves. Compliance in cultural resource management demanded equal attention in law and in policy.³⁹

The National Register program remained a driving force in cultural resource management even after the passage of new legislation. The National Park Service understood cultural resource compliance in terms of the National Register, and it could easily tailor its programs to meet such objectives. Death Valley's comprehensive planning proceeded intermittently. The National Park Service could not agree on the terms of a draft natural and cultural resource management plan that monument staff completed in November 1979 but never published, and the National Register program filled the gap in management. During 1980, the first year following the amended preservation act, agency personnel completed and forwarded to the National Register twenty-one nominations, including such notable sites as the Wildrose Charcoal Kilns and the Harrisburg Historic District.⁴⁰

At the same time, the Archaeological Resource Protection Act (ARPA) provided the National Park Service with an important tool in one of its oldest battles, the struggle with pot-hunting. Since early in the twentieth century, pot-hunters had been the scourge of the archaeological community and the National Park Service had ardently sought to eradicate their activities. The tools that law provided were limited; until Congress passes the protection act in

³⁹ Hal K. Rothman, *Saving the Planet: The American Response to the Environment in the Twentieth Century* (Chicago: Ivan R. Dee, 2000), 160-90; Foresta, *America's National Parks and Their Keepers*, 132-45.

⁴⁰ Superintendent's Annual Report, 1980; *Cultural Resources Management Plan*, Death Valley National Monument, (unpublished), Death Valley archive.

1979, the Antiquities Act of 1906 was the singular piece of federal legislation that dealt directly with archaeology. Only under ARPA did the National Park Service attain a genuine enforcement mechanism to sanction illegal archaeological harvesting, and after its passage, the agency stepped up enforcement.⁴¹

At Death Valley, pot-hunting had been an ongoing issue. Not only did the monument contain pre-Columbian artifacts, the rich fabric of the region's mining history yielded many valuable finds that the malicious and the unknowing thought to claim for themselves. The National Park Service worked assiduously to prevent such looting, training enforcement and curatorial staff in ARPA regulations and practices. Beginning in the 1980s, the monument handled ARPA cases during most years; as with many other park obligations, the mandated expanded with the establishment of the national park in 1994.⁴²

By the early twenty-first century, illegal taking from national parks had reached epic proportions. Death Valley became a focus in 2001, when two men, Frank Embrey and David Peeler, were observed taking artifacts from inside the monument. A few weeks later, because of an investigation by park rangers called Operation Indian Rocks, law enforcement officials raided five locations in Nevada and seized more than 6,000 artifacts. The investigation revealed that an organized gang had been raiding federal sites in the desert for as much as a decade, and as it continued, more than fifty archaeological sites were assessed for damage and another series of raids netted 4,600 more artifacts. Indictments followed; Peeler cooperated with authorities, Embrey was sentenced to eighteen months in prison and paid almost \$90,000 in restitution, and the principals in the initial raid, Bobbie Wilkie, and Scott Peterson, the target of the second raid,

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⁴² Superintendent's Annual Report for 1991, Death Valley National Monument, 13; Hal K. Rothman, *Preserving*

both were sentenced to prison. Wilkie received a thirty-seven month sentence and paid more than \$100,000 in restitution. Peterson pled guilty and was sentenced to five months in prison, five months of home confinement and five years probation. He paid more than \$80,000 in restitution.⁴³

The strong response to pot-hunting indicated that Death Valley National Park would invest itself in resource protection. The avid pursuit of people such as Embrey and Peeler was a powerful signal to the pot-hunting community, with their sentences among the heaviest ever handed down in post-hunting cases. Long able to operate with impunity, pot-hunters discovered that the National Park Service had changed the terms of the debate. No longer could they depend on less than vigorous law enforcement as a cover for their activities. The cultural resource community in the desert and across the country tipped its figurative cap to the people of Death Valley National Park. They had drawn the line and held it, and the material fabric of the past was safer as a result.

Death Valley Scotty Historic District

The National Register also provided a way to highlight places of particular significance within the monument. The 1978 nomination of the Death Valley Scotty Historic District – which included two separate building complexes, Scotty’s Castle and Scotty’s Ranch – allowed for additional protection of Death Valley’s most revered historic properties. The nomination reflected the monument’s perspective on its resources. Not only did federal regulations require the assessment of properties such as the district, but the enthusiastic nomination allowed the National Park Service finally to end the battle that began in the early 1970s with the *Death*

Different Pasts: The American National Monuments (Urbana: University of Illinois Press, 1989), 1-66.

⁴³ Todd Swain, “Operation Indian Rocks,” January 21, 2004, <http://www.death-valley.us/article907.html>.

Valley Historic Resource Management Plan that disparaged the monument's resources. The nomination recorded the historic district's contributions to twentieth-century architecture, folklore and social history, archeology, art, and invention. The authors argued that the castle complex articulated the excesses of mining promotion early in the century, the romantic language and entrepreneurial boosterism associated with the era, and the conspicuous consumption practiced by the wealthy during the 1920s. The district, it recorded, reflected the life of one of the most colorful figures produced by the American mining frontier.⁴⁴

The Death Valley Scotty National Historic District soon required greater management and upkeep by the National Park Service. In response, throughout the 1980s and 1990s the agency poured resources into building protection and maintenance. Workers placed ultraviolet film on windows to protect interior furnishings from sunlight, added new climate control systems, and installed technologies aimed at preserving an aging resource in a harsh and destructive environment. Since the district encompassed more than just Scotty's Castle, numerous stabilization and repair projects occupied agency time at the half-dozen structures near the castle. By the end of the twentieth century, the agency had moved to assure the long-term integrity of the Death Valley Scotty Historic District.⁴⁵

Establishing a Resources Management Division

In the new legal climate that required compliance, cultural resource management ceased to function in a vacuum, apart from other kinds of park management. The statutory revolution slowly had made existing practices obsolete and Death Valley considered more efficient and comprehensive ways to manage this vast responsibility. The demands of Section 106 and Section

⁴⁴ National Register of Historic Places Inventory – Nomination Form, Aug. 31, 1977, H32, National Register of Historic Places, 1978-90, Death Valley archive.

110 of the National Historic Preservation Act, as amended in 1980, required that the National Park Service undertake specific steps when certain activities within the monument boundaries took place. With hundreds and possible even thousands of historic locations, such compliance demanded considerable resources and constant attention. A combination of the need to make management more efficient and a desire to reflect the importance of cultural resources led to significant changes in management strategy throughout the agency.

In October 1984, Death Valley National Monument established a Resources Management Division that combined the functions and staff of the Mining Division and the resource management functions and staff previously under the Resources Management Division of Visitor Services. The shift in essence merged two very different monument responsibilities. It combined the management of the complex mining arrangements within the monument that it inherited with the passage of the Mining in the Parks Act and the hands-on care that characterized cultural and natural resource management. This readjustment of administrative boundaries was atypical, for few parks faced a similar configuration of issues. At the same time, consolidating compliance functions in a resource management division mirrored the accepted practice in the National Park Service. The creation of a resource management division made Death Valley more like other parks and monuments.⁴⁶

The shift in distribution of responsibilities resulted from changes in Death Valley's mandate, stemming especially from the Mining in the Parks Act. Its passage in 1976 created new demands on the monument's mining office. The importance of this function demanded a special

⁴⁵ Ibid.

⁴⁶ Mel Essington, interview by Hal Rothman, July 25, 2002; Linda Greene, interview by Hal Rothman, July 25, 2002; Richard Sellars, *Preserving Nature in the National Parks: A History* (New Haven: Yale University Press, 1997), 234-35; Mackintosh, *The National Historic Preservation Act and the National Park Service*, 88-93. Death Valley National Park calls its unit the "Resources Management Division." I have held to the park's nomenclature when describing the unit, following the

position, labeled “mining engineer.” Death Valley was among very few parks or monuments that had a mining engineer on staff. Before 1976, the mining engineer, Robert Mitcham, played a central role in the monument’s relationship with the many entities holding mining claims. After 1976, the role became more aggressive. The mining engineer became the point person for challenging the validity of many mining claims. Within the first decade after passage, Death Valley adjudicated most inactive claims, and the responsibilities of the mining engineer diminished. This led to the integration of the Mining Office into the resources management division. “The Resources Management Division kind of evolved from the Mining Office,” remembered Chief of Resources Management Linda Greene in 2002.⁴⁷

Resource management divisions were on the rise in the park system in the 1980s. In the National Park Service’s history, cultural and natural resources often had been managed independently, a situation that was necessary because of the structure of the agency and available resources. In the long run, this approach served the interest of neither the resources nor the public. Federal environmental legislation and the new primacy given resource management after the 1978 Redwood National Park Expansion Act placed an increased focus on the management of all resources. Combined resource management divisions served an important administrative function as well, as they solved many administrative issues and centralized compliance.⁴⁸ For Death Valley, with its seemingly infinite array of cultural and natural resources, a resource management division represented a major step toward a modern management structure.

Organizing the new Resources Management Division at Death Valley required

larger agency guideline in generic references.

⁴⁷ Summary of Superintendent’s Annual Report – 1984: Death Valley National Monument, Superintendent’s Annual Reports, Death Valley Archive, Mel Essington interview, July 25, 2002; Linda Greene interview, July 25, 2002.

⁴⁸ Sellars, *Preserving Nature in the National Parks*, 246, 262.

innovation and leadership. Almost immediately after its inception, monument managers discovered the division's organizational structure lacked several necessary components. Death Valley's historical emphasis on natural resources had slighted cultural resource management. Trained personnel were few in number and cultural resources received only intermittent funding. One person served as a cultural resource specialist and a curator staffed Scotty's Castle. Furnace Creek added a museum technician who previously had worked for the Death Valley Natural History Association. Gaps in staffing remained, which became a concern with the establishment of the new division. In May 1985, the monument converted a new resource technician position to one responsible for cultural resources. Compliance demanded even more personnel, and the National Park Service added a cultural resources management specialist. The amount of work justified additional support, but the monument's resources were limited. With compliance perennially looming, cultural resource management gained in stature. Statutory obligations helped explain the needs of CRM in a competitive environment. The National Register nomination program continued as the agency addressed other mandates. During the first year, monument personnel completed fifteen additional nominations.⁴⁹

The new resources management division retained the cultural resource management responsibilities of its predecessors. Despite an inadequate budget, the division made significant advances at a number of Death Valley properties. Stabilization programs began at the Keane Wonder Mine. Death Valley staff has long considered Keane and similar mining sites, with their open shafts and unstable equipment, threats to visitors. A visitor died in June 1983 after falling into a mine opening while walking in the dark. Following this accident, the agency spent

⁴⁹ Superintendent's Annual Report 1985, 12; Superintendent's Annual Report 1984 Superintendent's Annual Report, 1989.

\$150,000 on the Keane Wonder Mine. Work crews barricaded five open mining shafts near the fill site with nets made of steel cable and stabilized the remains of the 4,700-foot, gravity-powered aerial tramway on which gold ore was lowered 1,600 feet to the mill. Death Valley reopened the area to the public in April 1984.⁵⁰

Even after the creation of the resources management division, addressing mining issues inside the monument remained an enormous task for Death Valley's staff. With the assistance of mining engineers Robert Mitcham and Mel Essington, cultural resources management reflected the need for supervision of mining's historic remnants. Beginning in 1981, the National Park Service began to administer a number of new mining claims as the four-year moratorium on surface disturbance ended, and a number of new mining concerns sought approval for their projects. By 1983, many of the mining operations inside the monument ceased to seek new locations for their activities, allowing a shift in focus in their relationship with the National Park Service. The agency worked with extant mining companies to allow them to develop legitimate claims within Death Valley. Agency efforts completed cultural clearance work and recommended mitigation measures in support of Pfizer Inc.'s plan for the Big Talc Mine complex in Warm Springs Canyon. Mine safety projects continued, and the monument sealed additional hazardous open shafts with removable steel cable nets at Skidoo, Del Norte, and several other locations.⁵¹

At the same time, the monument continued its attempts to preserve historic structures. Additional preservation and stabilization work began on historic Civilian Construction Corps structures in the Cow Creek Maintenance Yard. Laborers successfully stabilized a 1933-era

⁵⁰ Superintendent's Annual Report, 1984, 5; Superintendent's Annual Report, 1985, 13.

⁵¹ Mel Essington interview, July 25, 2002.

warehouse in danger of collapse. Death Valley also initiated a re-roofing project to protect many other CCC structures in the vicinity. The preservation of any portion of the CCC camp was a fortunate circumstance. In 1942, the National Park Service disassembled the abandoned main camp and initiated a process to remove all the structures. However, the agency did not let any removal contracts, and a number of fixed placement structures stayed in place. Nearly one-half century later, the remains provided cultural resource managers with a windfall.⁵²

After 1985, Death Valley significantly expanded its cultural resources management programs. In accordance with National Park Service standards for cultural resources management, CRM specialist Ross Hopkins served as liaison officer to the Timbisha Indians, working with Tribal Chairperson Pauline Esteves to assure Native American involvement in planning and development. By the end of 1986, the CRM division completed an extensive update of the 1977 *Cultural Resources Management Plan* (CRMP). The revised document contained an exhaustive account of research and planning efforts up to 1986, including details of preservation compliance efforts before and after the completion of the 1975 *List of Classified Structures*. Monument personnel carried out much of the restoration and stabilization efforts of the late 1980s under these new organizational guidelines. By the end of the 1980s, resource management personnel were involved in training in historic preservation and stabilization techniques. Staff members directed portions of such efforts at specific CRM projects. In 1986, the National Park Service surveyed the historic Hunter Cabin in the Grapevine Ranger district. A team drew up plans for log replacement and an exterior drain system installation, and work crews selected and marked several pieces of timber as future replacement parts for the

⁵² Superintendent's Annual Report, 1984.

deteriorated sill and spandrel logs.⁵³

As the 1980s ended, Death Valley's museum began to receive the benefits of the monument's new organizational structure. Following the 1975 proposed moratorium on the acquisition of artifacts, the monument began the long process of rectifying its collection's limitations. During the decade, staff members undertook a major effort to modernize and organize its holdings. Following the 1975 collection statement, the National Park Service assessed the backlog of uncatalogued museum materials. During 1982, workers accessioned archival materials dating from 1933 to 1977 and transferred them to acid-free document files. By 1984, the transfer of archival collections neared completion, but more than 5,000 objects in the museum collection remained uncatalogued. The staff at Scotty's Castle faced many of the same problems. Their backlog was so enormous that during 1985 they catalogued almost 13,000 collection objects. The installation of computer systems at Furnace Creek and Scotty's Castle simplified cataloguing efforts, but the need to keep pace with the growing backlog did not subside. By 1991, the monument's museum collection exceeded 100,000 objects; the same year, visitation to Death Valley reached its all-time high, topping 774,000. These statistics spoke volumes about the need for an enlarged museum and research facility, such as the one proposed with the help of the Death Valley '49ers Association.⁵⁴

Manzanar

One of the more controversial cultural resource sites associated with Death Valley National Monument was the Manzanar War Relocation Center, near Lone Pine, California. Manzanar was one of ten relocation centers for Japanese-Americans established in the United

⁵³ Superintendent's Annual Report 1985; Superintendent's Annual Report 1986.

⁵⁴ Superintendent's Annual Report 1992; Superintendent's Annual Report 1988; Superintendent's Annual Report 1989.

States during the early months of World War II. To preserve the camp's significance, Death Valley staff helped prepare the plan to create a national historic site. After a congressional apology for internment in 1988, increasing numbers of visitors toured the site. Manzanar posed a dilemma for the National Park Service, for staff members recognized the need for interpretive and safety programs to accommodate the visitors even though the area did not lie within the jurisdiction of the National Park Service. Death Valley Superintendent Edwin Rothfuss formed an informal group consisting of the monument's chief of interpretation, two Inyo County supervisors, the director of the Eastern Sierra Museum, Bureau of Land Management representatives, and two members of the Manzanar Committee, who represented Japanese-Americans. This group met to provide guidance to the National Park Service until establishment of a formal advisory group.

When Congress established Manzanar National Historic Site on March 3, 1992, Death Valley staff could claim a significant role in the process. The monument continued to provide services after the establishment of the new unit. In order to assure a federal presence, a ranger visited the site each summer week during 1992. Spending two to six hours, rangers contacted between 50 and 150 visitors on each trip. The National Park Service placed a small exhibit at the camp's Guard House. The monument staff also coordinated a volunteer Boy Scout cleanup and Guard House preservation project. Rothfuss gave three talks on Manzanar, including one at the regional office, during the 1992 season. He also prepared a multimedia program on the relocation camp, presenting it at Lake Mead National Recreation Area, at the Western Regional Office in San Francisco, and in Washington, D.C.⁵⁵ Manzanar reflected a broadening of the monument's cultural resource management mission, albeit one that challenged the assumptions

of some within the National Park Service.

Consolidating CRM

By the early 1990s, pressure for cultural resource management compliance led to an increase in monument staff. Death Valley added an archaeologist in 1989, while the burden of compliance grew markedly. Monument development projects required Section 106 and Section 110 work, and under Rothfuss, many projects received funding. One consequence was the 1993 hiring of Linda Greene as the supervisory cultural resource management specialist. Her presence inspired proactive management, including the first widespread collection of baseline data in more than a generation. This effort led to creation of another archaeologist position in the late 1990s. Greene's arrival also consolidated cultural resource management. Supervision of curatorial work at Scotty's Castle and Furnace Creek fell to Greene.⁵⁶

Throughout this era, Death Valley's managers noted the need for greater attention to cultural resources in the monument. Each year, growth in the Los Angeles Basin and in Las Vegas, Nevada, put ever-greater pressure on resources. More people lived near the monument, and the soaring population that visited the desert and Death Valley increasingly left an imprint. A range of issues faced Death Valley. Mine safety loomed larger with each passing year, as more people traversed parts of the monument's backcountry desert that had long been out of reach. Cultural resource materials were increasingly vulnerable as new technologies put people in places that had previously been extremely difficult to reach. The premium on baseline data increased for Death Valley and the National Park Service. With the many cultural resources scattered throughout the monument, the lack of widespread knowledge hurt the National Park

⁵⁵ Superintendent's Annual Report 1992; Superintendent's Annual Report 1988; Superintendent's Annual Report 1989.

⁵⁶ Superintendent's Annual Report, 1989; Linda Greene interview, July 25, 2002.

Service's ability to respond. Death Valley clearly needed more resources if it was to fulfill its mandate. Each year, the incredible backlog of uncompleted work became more expensive and permitted a greater loss not only of knowledge but of material culture as well.⁵⁷

The Consequences of CDPA

One of the solutions was a change in nomenclature of the national monument to national park status, a goal achieved with the passage of the California Desert Protection Act (CDPA) in 1994. The national park designation transformed cultural resource management at Death Valley. As it did in so many areas of national park management, the addition of more than one million acres changed the terrain in which cultural resource management operated. Faced with inadequate resources throughout its history, the new Death Valley National Park had so much more land and resources that planning simultaneously had to expand conceptually and geographically without significant increases in the resource base. The change put enormous pressure on the new park and its management capabilities.

One casualty of this change was the 1994 *Resource Management Plan*, completed just before passage of CDPA. An effort to build on the success of the Resources Management Division by developing an integrated planning structure, the transition from monument to park limited the plan's significance. Prepared to deal with the conditions existing in the monument as it was before the CDPA, the RMP assessed the range of park cultural resources along with natural resources. Although its design reflected the increasing sophistication of integrated resource management, CRM planning revealed the limitations of budget and lack of personnel. Severe threats faced cultural resources in Death Valley, and they were, the authors averred, "magnified by the distances and time involved in monitoring the condition of sites." Natural

⁵⁷ Superintendent's Annual Report, 1991, 10.

deterioration from benign neglect – the de facto management policy for many portions of Death Valley, vandalism and theft of artifacts comprised the three major threats. Routine monitoring of the sites was difficult because of the remote character of many locations and the park’s inability to provide regular supervision. Basic inventories remained incomplete and a lack of museum space to collect, store, and display artifacts made the task of managers even more vexing.⁵⁸

The plan’s description of cultural resources needs was vast. Personnel topped the list of required resources, with additional curatorial staff at Scotty’s Castle and Furnace Creek the priority. Of the eleven CRM positions listed in the organizational chart for FY 1995, four were vacant, a common consequence of budgetary shortfalls at Death Valley. Monitoring of at-risk sites, National Register compliance, and archaeological and ethnographic inventory also needed attention. Ominously, the plan warned that completion of such activities was necessary to fulfill legal mandates. The *List of Classified Structures* was more than a decade out of date. Museum storage facilities could not contain the growing size of the collection. Historic mining sites required emergency stabilization, interpretation, and monitoring for vandalism. Deterioration of resources posed a major threat to the park’s cultural resource fabric, the RMP warned. Petroglyphs inside Death Valley required closer attention. A plan to manage and monitor the resources was the next step. Other cultural resources, especially CCC-era structures and ranching and homesteading sites, needed comprehensive attention. Scotty’s Castle presented its own set of issues. Death Valley also needed to develop and maintain its relationship with the Timbisha Shoshones, who had received tribal status a decade before, but had not yet secured land from the government.⁵⁹

⁵⁸ *Resources Management Plan, Death Valley National Monument* (March 31, 1994), 3/12-14, Death Valley archive.

⁵⁹ *Resources Management Plan*.

The 1994 plan led to some positive changes. By 2001-02, Death Valley National Park had 219 structures on the *List of Classified Structures*. Ongoing or projected preservation projects were in place to improve the condition of a number of the properties. Park personnel scheduled Scotty's Castle for restoration and preservation of the Annex lanai, garage alcove, and bridge during 2002. The park continued to stabilize old mining sites, repair backcountry structures, and improve security and fire detection systems in significant historical buildings.⁶⁰

The absence of a full complement of cultural resource professionals exacerbated the problems created by the lands added to Death Valley by CDPA. The National Park Service did not receive adequate resources to manage the addition. The tension that surrounded the creation of the Mojave National Preserve and the fierce opposition that limited symbolic funding of the new park to one dollar during its first year spilled over to Death Valley National Park. As was common for so many national park units at the time, funds were hard to obtain. The fact that some members of the Golden State's congressional delegation remained angry that passage of the bill included so much of the California desert compounded Death Valley's problems. Cultural resource management became a holding action, an effort to maintain the status quo until the National Park Service could find the resources to further existing programs and initiate new ones. The task seemed daunting. With more than one million new acres and considerably large numbers of vulnerable sites and new artifacts coming into the museum collection, the park needed powerful tools to fulfill its obligations and combat the combination of threats.

A regional planning process that followed 1994 gave Death Valley's managers an opportunity to regroup and reassess the park's situation. By the time the draft Environmental

⁶⁰ Annual Performance Plan for Death Valley National Park, Part II, Fiscal Year 2002, October 1, 2001 – September 30, 2002.

Impact Statement debuted in 1998, CRM managers proposed new approaches to some of their most pressing problems. A cooperative agreement with the University of California, Riverside, developed a comprehensive program to assess at-risk archaeological sites. The National Register program continued with vigor, and the park staff articulated historic themes with greater clarity and comprehensiveness. Yet, the park's reach still had limits. Most of the CRM activity focused on the area that had been within the monument; planning for the new lands hovered at a conceptual level. Funding and support for CRM remained tentative as well.⁶¹ The park could plan considerable new activity, but only rarely could it attain the resources to undertake its aspirations.

The creation of the Timbisha homeland also had a powerful impact on cultural resource management at Death Valley National Park. The establishment of the preservation areas mandated new modes of cooperation and higher levels of responsibility. The ethnographic landscape became a primary CRM consideration, pushing management in a new direction. Combined with efforts to professionalize the National Park Service in the mid-1990s, the thrust led to new baseline positions in cultural resource management and archaeology.⁶²

Yet the cooperation that drove the process remained elusive. In one instance, after the establishment of the homeland, the Timbisha, the park, and Xanterra, the park's concessioner, strove to create design guidelines for development in the Timbisha village and other tribal parcels. The goal was to attain architectural consistency, not to impose uniform requirements. The criteria aimed for low profiles structures that blended into the landscape and sustainability,

⁶¹ "Draft Environmental Impact Statement and General Management Plan, Death Valley National Park, California and Nevada, 1998," Death Valley archive.

⁶² "Timbisha Design Guidelines Meeting, 2/5/01," Cultural Resource management files, Death Valley National Park; Linda Greene, interview by Hal Rothman, March 22, 2004.

but the plan did not prescribe a cultural style. Billy Garrett, an architect in the Denver Service Center known for his sensitivity to tribal history and culture, designed the plan. In the end, the Timbisha decided against the document. Even though they recognized the process as reasonable, they decided the program was too bureaucratic. Despite the best efforts of all involved, the process of building bridges was “not that easy,” Linda Greene observed in 2004. “Real rapport will take time.”⁶³

In many ways, the situation after 1994 retold the story of cultural resource management at Death Valley. For much of its history, circumstances relegated cultural resources to secondary status behind the park’s amazing natural attributes. Only when statutory requirements demanded action did park personnel develop a broad-based program to accommodate cultural resources. Even then, the program, starved for resources, proceeded in a piecemeal fashion. Just as CRM began to make headway, the 1994 addition of new acreage swamped the program with vast new obligations. As it finally planned systematic management of the resources within the old monument boundaries, park CRM staff faced a dramatic increase in responsibilities – as always, without a parallel increase in financial resources.

The 2002 *General Management Plan* envisioned broad goals in cultural resource management. It promised the development of an integrated program that systematically identified, inventoried, monitored, evaluated, and nominated archaeological sites, historic properties, cultural landscapes, and ethnographic resources to the National Register of Historic Places. Management would be designed to protect and preserve the values of such places. A new collections management program would improve storage conditions for park collections, provide a comprehensive conservation program, acquire new artifacts and objects, and improve

⁶³ Ibid.

collection access and use. The plan's research program envisioned an even broader approach. It focused on the development of baseline information, accurate interpretation and preservation of resource, and appropriate means to manage the park's Native American resources.⁶⁴ This bold conception took Death Valley National Park further in cultural resource management than ever before. Translating such a vision into tangible results would take time.

Cultural resource management at Death Valley National Park remained one of the most complicated obligations of management. Mandated by statute and crucial to the park's mission, CRM comprised so many facets in so many ways that its management would always be a battle. Death Valley National Park struggled valiantly to achieve CRM goals, but in the end, a comprehensive program that handled the vast responsibilities of the park required a stronger commitment of resources than Death Valley received for cultural resource purposes. Death Valley was able to focus on specific sites and administer them with the care and concern it aspired to for the entire park. Only a major greater commitment of agency resources would make such management possible throughout the park.

⁶⁴ General Management Plan, 2002, 41-42.

Death Valley National Monument



Ranch House, Scott's Castle.

Death Valley National Monument



Eastern perspective of Ranch House, Scotty's Castle.

Chapter 8:

Natural Resource Management

Natural resource management remains a primary National Park Service mandate, a responsibility that dates from the organic legislation that founded the agency and Secretary of the Interior Franklin K. Lane's 1918 letter that remains the basis of park management. The Redwood National Park Expansion Act of 1978 formalized this mandate by elevating resource management to the primary agency obligation, and the Vail Agenda codified this principle in 1991.¹ From the agency's inception, park managers administered both natural and cultural resources, codifying the activities in the term "resource management" after 1970. In large natural parks, this activity generally meant protecting the physical environment from overuse and managing flora and fauna to protect native species, exclude exotic species, and assure the area's long-term ecological health. Such obligations were clear and forthright, defined by the National Park Service's overall mission and the organic legislation of each individual unit.

When President Herbert Hoover established Death Valley National Monument in 1933, the new unit held a peculiar place in the thinking of the early National Park Service. In 1918, when the agency shaped its policy, conservationists labored with a distinction between sacred – special historical and natural – spaces, and profane – ordinary – spaces. They reasonably believed that they could separate special areas from those spaces from which they made a living, preserving one and using the other. This widely held distinction influenced National Park

¹ Robert Shankland, *Steve Mather of the National Parks* (New York: Alfred A. Knopf, 1953), 111-13; Richard Sellars, *Preserving Nature In the National Parks: A History* (New Haven: Yale University Press, 1998), 56-57, 89-90; Alfred Runte, *National Parks: The American Experience* 2nd ed (Lincoln: University of Nebraska Press, 1987), 105-08; Horace M. Albright and Marian Albright Schenk, *Creating the National Park Service: The Missing Years* (Norman: University of Oklahoma Press, 1999), 274-85; National Park Service, *National Parks for the 21st Century: The Vail Agenda* (Post Mills, VT: Chelsea Green Publishing Company, 1991).

Service thinking, leading to the characterization of park areas by their primary attribute. Parks were natural or cultural in this era, but rarely both. Most of the first fifteen years of National Park Service history had been devoted to acquiring new parks that resembled Yellowstone or Yosemite or that broadened the agency's reach because of their location in the East. Death Valley was part of a different movement, an expansion into the desert that had little precedent for the agency. The result was the addition of a monument full of natural resources that was peripheral to the way the National Park Service thought about wildlife and natural features.

Because of these circumstances, National Park Service managers characterized Death Valley National Monument as a desert park long before the environmental revolution of the 1960s. During the monument's early history, the agency administered Death Valley as a natural area, expending what it had for resource management on flora and fauna. By the 1970s, the presence of exotic and endangered species, various kinds of mining, and an integration of wilderness areas and ideals into natural resource management demanded agency attention. These circumstances compelled the National Park Service to adapt Death Valley's management strategies to a changing understanding of natural resources. After the National Environmental Policy Act became law in 1969, the agency established policies for managing natural features in accordance with it. At Death Valley, these policies contributed to a systematic pattern of resource management that raised the monument's commitment to the level held by other units in the system.

Early Natural Resource Management

The National Park Service's interest in Death Valley's diverse natural resources began before 1933. During a fact-finding trip to Death Valley in 1931, Sequoia National Park Superintendent Col. John R. White expressed concern over the region's natural diversity and its

lack of protection. White already recognized threats to wildlife in what would become the monument, and he feared that species such as the desert bighorn sheep would not survive if the National Park Service did not act to protect them. That concern remained following the monument's establishment. White advocated protection and study of Death Valley's natural resources, similar to programs established in other national park areas. The desert was inherently fragile, he noted, and even a minuscule number of visitors left a significant impact on the region's resources. Signs to remind visitors of the need to protect vegetation and wildlife provided one cornerstone of his vision, and inaugurated a pattern that characterized the monument's protection efforts. Stemming the impact of visitors on natural resources became a recurrent theme for the first generation of Death Valley superintendents.²

During the 1930s, Death Valley National Monument Superintendent Theodore R. Goodwin defined natural resource management as a goal at the monument, but the National Park Service's limited resources left it a secondary priority. Infrastructure development for the fledgling national monument, not managing flora and fauna, dominated early planning activities, although the National Park Service did attempt to inventory the array of natural resources inside the monument's boundaries. Recognizable threats to the landscape from mining and other human activities generated only slight attention during the decade. The development ethos of Roosevelt's New Deal compounded the monument's limited resource management expertise. Planning and supervising construction of roads, trails, campgrounds, and other facilities for staff and visitors occupied Goodwin and monument work crews, forcing them to leave resource management for a later time. Death Valley's first administrative plan in 1934 ignored natural resources. That trend continued as long as New Deal money was available to build the

² John R. White to Director, Feb. 24, 1931; White to Director, April 7, 1933, Situation Reports A2623, 38-31, Death

monument's physical plant.³

Securing a Water Supply

Even as infrastructure development proceeded, the National Park Service faced a quandary with which it had little experience. A dependable water supply was essential for the monument, but the presidential proclamation that established Death Valley did not grant the National Park Service clear water rights. Miners, ranchers and other inhabitants already claimed nearly every available drop and the agency, arriving late in the region, received only the lowest priority right. Securing a dependable water supply became essential; it underpinned not only National Park Service planning activities, but the ability to manage monument resources as well. Nevares Springs, near Cow Creek, became a primary acquisition target. Adolphus Nevares, a Hispanic married to a Death Valley Shoshone woman, moved to the region before 1900. He owned 320 acres that controlled this critical water source, with his water coming from a spring that kept his acreage green throughout the year. Nevares grew alfalfa, melons, and some vegetables, but after he tired of farming in the early 1930s, he rented the plot to a man who intended to raise pigs. White and Goodwin instantly recognized the danger of a pig farm inside Death Valley. Not only were pigs one of the most fecund species, but they produced incredible quantities of waste, daily ate the equivalent of 25 percent of their body weight, left an overpowering aroma, and portended increased truck traffic as producers hauled them and their needed supplies to and from market. Even more threatening, if the pigs escaped they were likely to reproduce wildly, becoming another feral species inside Death Valley much like the burros

Valley archive.

³ White to Director, Dec. 31, 1937; Roy C. Troeger to White, Nov. 20, 1937; White, Memo re: application of Roy Troeger, Dec. 15, 1937; White to Director, Jan. 10, 1938, Death Valley files, Box 283, File 660-05 Water, National Archives and Records Center—San Bruno, Ca. (hereafter NARA-SB); Annual Report 1936, Death Valley archive; Richard W. Sellars, *Preserving Nature in the National Park* (New Haven: Yale University Press, 1997), 108-11; R. Gerald Wright, *Wildlife Research Management in the National Parks* (Urbana: University of Illinois Press, 1992), 14-18.

that by the 1930s traveled the monument in packs. Some monument officials speculated that Nevares floated the rumor about the pig operation to force the National Park Service to purchase his rights. Unsubstantiated or not, the prospect compelled the agency to actively pursue purchasing his springs.⁴

The acquisition of Nevares Springs proved a major challenge to the National Park Service. Nevares was a cagy negotiator who recognized that he held a valued commodity for which there were many suitors. He offered options to several mining interests as well as to the pig farmer. Some of the options carried \$50,000 price tags, well beyond what the National Park Service could afford. White and Goodwin thought that Nevares was bluffing, hoping to force the agency to meet his demands. As 1935 ended, White offered Nevares a six-month option in an attempt to secure time to obtain funds from Congress. While the agency sought to determine how much to offer, Nevares prepared for a legal battle. Like many in the West, he held decidedly anti-government views and feared the application of federal power. The threat of the doctrine of eminent domain or some similar legal means to take his land made Nevares wary of National Park Service intentions.⁵

The Washington, D.C., office of the National Park Service viewed the acquisition of Nevares' spring with trepidation and excitement. Acting Director Hillory A. Tolson allowed that although the agency needed the tract for its water supply at Death Valley, expenditures for such acquisitions were not likely. The agency could not find a legal justification to give Nevares even

⁴ White to Director, June 6, 1933; Goodwin to White, Nov. 16, 1934; White to Director, Dec. 5, 1934, all Death Valley files, Box 280, File 610: Nevares, NARA-SB; 1998 General Management Plan, Death Valley archive; Pauline Esteves, interview by Hal Rothman, Dec. 12, 2002; Richard Lingenfelter, *Death Valley and the Amargosa: Land of Illusion* (Berkeley: University of California Press, 1986), 14. The best account of the fecundity of feral pigs comes from Alfred Crosby, *Ecological Imperialism: The Biological Expansion of Europe, 900-1900 AD* (New York: Cambridge University Press, 1986), 173-76.

⁵ Goodwin to White, Oct. 18, 1935; White to Goodwin, Oct. 24, 1935; White to Office of Chief Engineer, Nov. 18, 1935; White to Nevares, Dec. 23, 1935; Nevares to White, Dec. 23, 1935; Demaray to White, Dec. 21, 1935; White to Goodwin, Feb. 5, 1936; Goodwin to White, Feb. 18, 1936; White to Nevares, March 11, 1935; Nevares to White, March 14, 1936; White to Nevares, April 21, 1936; White to Director, May 20, 1936, all Death Valley files, Box 280, File 610: Nevares, NARA-SB.

the \$1,000 that White proposed to secure the option, since its ability to follow through on the contingency depended on congressional approval of additional funds. With efforts for federal money apparently stymied, White looked outside the agency. He solicited the Sierra Club and other conservation groups in the hope of securing funding for a lengthy option, but received little support. Blocked, White and Goodwin explored appropriating the water by developing a ground source above the Nevares property, precisely the kind of action that had started so many Western water fights in the nineteenth century.⁶

This tactic was exactly what many Westerners feared, but it did have precedent in statute. White and Goodwin based their approach on the Western water doctrine of prior appropriation, codified in 1922 by the U.S. Supreme Court in *Wyoming v. California*. The decision legally affirmed the principle of “first in time, first in right,” while granting useful applications of water priority for ongoing use. The agency interpreted Nevares’ use of water as an unimproved use, one not sufficient to meet the standard established in the prior appropriation doctrine. If National Park Service lawyers could convince the courts that Nevares simply had taken the water without effort to build, retain, or otherwise divert its flow, the agency might be able to establish a new and superceding right by building its own waterworks at a point before Nevares diverted his water. The federal government easily could have designated Emergency Conservation Work (ECW) dollars for such a purpose. Such an inflammatory tactic might have succeeded. It certainly would have been expensive, not only in dollars, but in legal precedent and negative public relations as well. If the National Park Service developed a priority right, a court battle would have followed. Nevares would have claimed that the National Park Service engaged in

⁶ Hillory A. Tolson to Superintendent, June 5, 1936; White to Director, June 15, 1936; Ernest Dawson to White, June 14, 1936; William E. Colby to White, June 18, 1936; Cammerer to Superintendent, June 23, 1936; White to Director, June 29,

what later generations called a “taking,” necessitating not only adjudication but likely a legislative remedy as well. The National Park Service characteristically avoided litigation, and as a result, dropped the proposed strategy.⁷

Acquiring Nevares’s property remaining a priority for the monument, and the National Park Service avidly pursued the purchase. Despite ongoing communications between Death Valley and the national office, National Park Service directors from Arno B. Cammerer to Conrad L. Wirth could not secure congressional approval to meet Nevares’ financial demands. Throughout his more than twenty years in the area, White urged the agency to act. Cow Creek water could make Death Valley “blossom like the rose or its desert equivalent,” he contended in one memorable letter, and canny strategist that he was, the superintendent understood the value of establishing agency primacy in the desert. The National Park Service needed control of water resources inside the monument, but funds to buy the Nevares property were not forthcoming.⁸

The acquisition process proceeded slowly, requiring almost a generation to reach fruition. During 1938, the National Park Service offered Nevares \$17,500 for his Cow Creek holdings, an amount Nevares considered appallingly low. At the same time, agency specialists continued to seek ways to avoid having to purchase the property at Nevares’ price. The water from the springs at Cow Creek flowed in clearly visible channels beyond Nevares’ land. The agency secured rights to the surplus water and constructed a series of intakes along the streambeds that exited

1936, all Death Valley files, Box 280, File 610: Nevares, NARA-SB; Norris Hundley, Jr., *The Great Thirst: Californians and Water, A History*, revised edition (Berkeley: University of California Press, 2001), 71-97, 422.

⁷ White to Nevares, June 30, 1936; Memorandum of Conference, from F.A. Kittredge, Sept. 11, 1936; Kittredge to White, Sept. 11, 1936; Joseph E. Taylor to Merriam, Sept. 15, 1936, all Death Valley files, Box 280, File 610: Nevares, NARA-SB; Norris Hundley, Jr., *The Great Thirst: Californians and Water, A History*, revised edition (Berkeley: University of California Press, 2001), 71-97, 422.

⁸ Taylor to White, Jan. 20, 1937; A.E. Demaray to Acting Superintendent, Sequoia National Park, Oct. 7, 1936; White to Director, Sept. 9, 1937; Demaray to White, Sept. 24, 1937; White to Nevares, Sept. 30, 1937; Nevares to White, Oct. 10, 1937; White to Nevares, Oct. 19, 1937; White to Director, Oct. 19, 1937; White to Nevares, Nov. 5, 1937; White to Colby, Nov. 13, 1937; White to Nevares, Nov. 13, 1937; White to Director, Nov. 5, 1937; Telegram to White, Nov. 12, 1937; Kittredge to

Nevare's property. Using six-inch pipe, the National Park Service diverted above- and below-ground surplus waters to a point 500 feet from the Nevares property line, into a collection tank known as the Cow Creek Utility Area. A hydroelectric generator at the storage facility powered a system that took the excess water to a swimming pool and also irrigated National Park Service facilities. Nevares regarded construction of this water system as an escalation of hostilities, and in 1939, he attempted to thwart the monument's efforts. He diverted the majority of his water to new grape vineyards or to a gravel sink field, where he could spill excess water, depriving the National Park Service of the surplus. Nevares continued these actions until early 1940, when the National Park Service sought an injunction against taking water that California water law assigned to the agency. Before the end of the year, the agency and the landowner were involved in litigation.⁹

The water supply at Cow Creek illustrated one of the important problems with national park areas established during the twentieth century. Because these areas often had legal histories that preceded their establishing proclamations, the National Park Service typically found itself with inholdings that threatened the agency's management. Agriculture and ranching provided the most likely sources of conflict, but at Death Valley underlying mining claims presented an even greater threat. Regulated only by the 1872 General Mining Act, mineral claims provided de facto title to public lands after only minimal improvement. Such claims dotted Western parks and monuments with mining histories. The rights of private citizens who had little to do with the national site posed an equal threat. Nevares filled this role most prominently at Death Valley, but he was hardly the last to do so. Battles between the National Park Service and private

Director, Nov. 9, 1937; White to Wirth, Oct. 25, 1937; Taylor to Director, Nov. 3, 1937; Wirth to White, Nov. 9, 1937; Demaray to White, Nov. 9, 1937, all Death Valley files, Box 280, File 610: Nevares, NARA-SB.

landowners continued into the 1990s.

Ultimately, the agency was able to circumvent Nevares. A temporary restraining order in August 1940 prevented Nevares from wasting water, one of the cardinal sins of desert living. The ruling came from a local court and illustrated the degree to which Nevares' action violated regional norms. No matter how the local court felt about federal authority, it had to stop the abject waste of water. The injunction ordered the cessation of wasteful diversion and allowed monument representatives to enter Nevares' property to redirect the main flow of water back into Cow Creek. Nevares defied the order, telling White and Goodwin he intended to ignore the court's decision and use the water on his land as he saw fit. Nevares' disregard for the legal system persuaded the National Park Service that the situation demanded a more serious approach.¹⁰

Despite such intransigence, the National Park Service continued to try to mollify Nevares. The monument's water supply remained tenuous between 1941 and 1948, as Nevares diverted water on occasion and at other times let it flow as surplus. Exasperated, Death Valley officials considered ways to build a stronger relationship with the man who had become their most significant local adversary. Goodwin even hired Nevares as a gardener in 1942 in an attempt to sway him, but little changed. On July 21, 1948, National Park Service Director Newton B. Drury again initiated negotiations to purchase the Nevares tract. Nevares held firm at his original asking price of \$50,000. The National Park Service refused this sum, but the parties

⁹ Goodwin to Director, April 22, 1940; H. Donald Curry to Superintendent, May 16, 1940; Goodwin to Regional Director, Dec. 30, 1940; Appraisal Sheet, prepared by T.R. Goodwin, June 7, 1940; A. van V. Dunn to Regional Director, Oct. 7, 1940, all Death Valley files, Box 280, File 610: Nevares Part II, NARA-SB.

¹⁰ A.L. Hickson to Bates Booth, Nov. 6, 1940; Memorandum for Chief Counsel, March 4, 1941; Notes on Testimony, Feb. 28, 1941; Memorandum for Associate Attorney Johnson, March 21, 1941; Memorandum for the Director, April 2, 1941; Memorandum for Associate Attorney Albert A. Johnson, April 8, 1941; Memorandum for the Regional Director, Region IV, May 10, 1941; R. Neil Grunigen, Report of Work Performed by the National Park Service, July 5, 1941, all Death Valley files, Box 280, File 610: Nevares, NARA-SB; Chronology of Events File 1, L1425 Private Holdings, Nevares IV 1951-52, P.R.G. 1-23, Death Valley archive

continued to negotiate. Finally, after more than decade of frustration, the agency opted for condemnation, the least popular method of federal land acquisition.¹¹

Authorized under the power of eminent domain, the condemnation process allowed governments to supercede owners' objections by paying fair market value for private property if the purchase furthered the public good. In Death Valley, the federal government's petition claimed that Nevares' improvements were insufficient under even the lax standards of the General Mining Act. It asked for a legal designation of the claim as "abandoned." Before filing the papers, the National Park Service made Nevares a final offer of \$20,000; he refused it. On Sept. 15, 1950, the National Park Service filed a writ of condemnation and declaration of taking in federal court. Judge C.E. Beaumont decided the case on Feb. 13, 1952, awarding Cow Creek to the National Park Service for \$40,000. Nevares did not get his asking price, but the ruling handsomely rewarded him for the lost property. Even at this relatively high price, the National Park Service secured its future at Cow Creek by obtaining the water that it saw as so vital to management of Death Valley's natural resources.¹²

Securing Nevares' water rights was a crucial step in securing water supplies for Death Valley National Monument, but the monument had begun managing its natural resources long before the 1950s ruling. When H. Donald Curry became Death Valley's first seasonal naturalist in 1937, he devised the initial program. Curry, a Civilian Conservation Corps (CCC) foreman, explored the monument, locating fossils and prehistoric footprints in the Salt Creek area. This effort became the basis for later inventories of monument resources. Surveys followed the growing interest in wildlife spurred by the National Park Service's Division of Wildlife, headed

¹¹ Chronology of Events File 2, L1425 Private Holdings, Nevares IV 1951-52, P.R.G. 1-23, Death Valley archive.

¹² Chronology of Events File 2; *U.S. v. 320 Acres of Land*, L1425 Private Holdings, Nevares IV 1951-52 P.R.G. 1-23, Death Valley archive.

by George M. Wright until his death in an automobile accident in February 1936. Wright initiated an initial wildlife survey of the national park system in 1929, an essential piece of the process that became natural resource management. By combining the practices Wright favored and his own interests and responsibilities, Curry compiled a rudimentary inventory for Death Valley ahead of other southwestern monument and parks.¹³

Feral Burros and the Monument

Curry's inventory highlighted a major concern that defined natural resource management at Death Valley. As early as 1934, Goodwin noted that feral burros abounded inside the monument, with the animals everywhere that they could find water. A majority likely were pack animals and their descendants. Many mining claims proved unproductive and some owners simply let their burros go, while other animals ran off from prospectors. Burros adapted easily to the region's extremes of weather, climate, and topography, and variations in quantity and quality of diet. The absence of predators and prolific breeding resulted in rapid population increases. In 1938, more than 1,500 burros roamed Death Valley National Monument. Their impact was significant; burros successfully competed with indigenous bighorn sheep and other animals for food and water. The burros habitually fouled water holes with their waste and roamed the desert in packs, eating sparse vegetation and driving off other species.¹⁴

The National Park Service initiated a policy of burro removal in Death Valley under the mandate of resource management in the 1930s. The action reflected the agency's goal of protecting native plants and animals, first articulated in a 1916 paper by Joseph Bird Grinnell

¹³ Sellars, *Preserving Nature in the National Parks*, 94-99; Superintendent's Monthly Report, June 1942, Death Valley archive; Memorandum Order Superceding Administrative Plan, Death Valley National Monument, Season 1935-36, D18 Administration, DEVA Files Misc., 1933-41, Death Valley archive; Memorandum on Mammal and Bird Tracks, Jan. 14, 1942, all Death Valley files, Box 270 DEVA Historical 1-1-42 to 4-6-52 II, NARA-SB.

¹⁴ Edwin L. Rothfuss, *An Administrative History of the Removal of Feral Burros From Death Valley National Monument*, March 1990, DEVA Cat 63356, Death Valley archive, 1-4.

and Tracy Storer. A 1921 resolution from the American Association for the Advancement of Science raised that goal to the level of canon. In 1924, burro reduction began at Grand Canyon. The national park eliminated 1,200 animals by direct reduction, the agency's euphemism for shooting burros, during the program's first five years. By the time Goodwin considered direct reduction at Death Valley, the agency had considerable precedent for the decision. Burro removal at the monument began in earnest in 1939. During World War II, burro reduction slowed because of a lack of agency personnel, but the end of the war again accelerated its pace. Between 1939 and 1948, the National Park Service eradicated more than 1,000 burros at Death Valley. As the 1950s approached, the monument had institutionalized burro shoots.¹⁵

Even in the 1940s, the U.S. public considered burro removal controversial. In 1947, Goodwin observed that many area residents opposed direct reduction. They considered burros an important part of Death Valley's history and aesthetic appeal. The animals provided a link between the historic past and the present, a visual testament to the importance of mining in the region's history. Some residents just plain liked the animals, and they especially protested the shootings. After 1950, burros became one of the earliest recipients of California's growing emphasis on environmental protection. As Californians expanded into the desert in large numbers, even the most rapacious recognized the powerful imprint of humanity. The corresponding sense of loss not only led to protection for burros, but added another dimension to the appreciation for deserts.¹⁶ Monument policy and local and regional interests again collided, this time in a visible way that had the potential to create genuine resistance to agency goals.

¹⁵ Sellars, *Preserving Nature in the National Parks*, 82; Wright, *Wildlife Research and Management in the National Parks*, 36-38, 97-98; Michael F. Anderson, *Living at the Edge: Explorers, Exploiters, and Settlers of the Grand Canyon Region* (Grand Canyon: Grand Canyon Association, 1998), 58-61.

¹⁶ Annual Report 1937, Death Valley archive; 1947 Wildlife Conservation Report, Death Valley files, Box 285, File 700-01 Nature Study, NARA-SB; Monthly Report, February 1948; Monthly Report, December 1944; Monthly Report, August 1942; Annual Report 1934, Death Valley archive.

Despite such opposition, National Park Service commitment to burro reduction grew after 1950. By the early 1950s, hunters discovered that wild burros in California's deserts made fine targets for sport hunting. State wildlife laws did not protect the animals, federal restrictions applied only within national park areas, and the burros were plentiful. Beginning in 1953, hunters killed countless burros, an action that enraged nascent wildlife protection groups that were starting to wield impressive political influence. In 1953, public pressure resulted in California legislation that made killing burros illegal on state lands in the Golden State. Burro protection became part of the state Department of Agriculture's Fish and Game code, and in 1957, the California Legislature supported the designation of burros as a protected species. The state established a major burro sanctuary in the Death Valley, Saline Valley, and Panamint Valley region.¹⁷

California's establishment of the burro sanctuary proved problematic for the National Park Service. By the late 1950s, California had become a hotbed of environmentalism, then still called conservation. Politicized by the Sierra Club, conservation became fashionable, and the patterns that shaped 1960s environmentalism began to take shape. Conservation groups watched critically as state administrators failed to maintain an effective boundary or a well-defined management program for the burro sanctuary. Political disputes followed while the burros multiplied, spilling over and adding to the monument population. From the National Park Service perspective, the state sanctuary solved few problems. Death Valley remained a de facto dumping ground. The sanctuary increased the burro population, and without fencing, the animals roamed at will. Estimates put the California wild burro population in 1958 at between 2,000 and 5,000 animals, higher than it had been the decade before. National Park Service staff expressed

¹⁷ Rothfuss, *An Administrative History of the Removal of Feral Burros*, 5-9.

ongoing frustration about Death Valley's predicament.

The designation of the nearby state burro sanctuary centralized the impact of the animals on Death Valley National Monument and adjacent areas. Concentration of burros in an area too small for both environmental sustainability and animal sustenance depleted the burro range and had a negative impact on the desert bighorns. California burro law offered a remedy. It permitted a live-capture program to relieve pressure on available forage. The state Department of Agriculture established criteria to determine the number of feral burros that teams could capture and remove under a permit system. Assessments from state officials working for the California Department of Fish and Game and federal representatives from the Bureau of Land Management (BLM), the U.S. Fish and Wildlife Service, and the National Park Service formed the basis for the number. Federal and state land managers hoped that unlimited permits to capture live burros would keep animal populations under control. Other methods to eliminate burros still existed. The California Department of Fish and Game enforced state burro laws, which allowed any owner or tenant with property damage or destruction to apply for a permit to kill the offending burros. Ranchers loudly complained that free-ranging burros were a detriment to their stock, maintaining that the animals consumed available forage, fouled water holes, and destroyed irrigation pipelines. Some ranch owners insisted that burros consumed the cottonseed meal meant for cattle. Despite their widespread animosity toward burros, few ranchers requested permits. Some did not want to be bothered with paperwork, while others may have simply gone ahead with direct reduction without permits.¹⁸

The California state burro program changed the context of national park and monument management. Burros freely traveled between jurisdictions and were Sacramento's responsibility

¹⁸ Ibid., 1-10.

while on state lands. National Park Service officials worried about their jurisdiction over burros within monument boundaries. At a 1957 Desert Bighorn Sheep Council meeting, the group agreed that the burro problem was urgent, but it determined that California law treated wild burros as state property. California categorized burros as game animals, subject to state jurisdiction wherever found. Gordon Fredine of the National Park Service pointed out a clear exception. In places where the state of California had ceded jurisdiction, such as Death Valley National Monument, burros and other species fell under federal jurisdiction. The National Park Service could pursue direct reduction on those acres because its responsibilities were separate and defined in federal statute: whenever an exotic species jeopardized the welfare of a native species, National Park Service policy dictated effective control of the exotic.¹⁹

The difference in the agencies' responsibilities remained at the core of the National Park Service's argument. Agency authority relied on federal statute to fulfill its missions. By the late 1950s, the agency had established a forty-year history of independence of all state authority except by specific agreement. If burros on federal lands were subject to California's authority, bighorn sheep, bears, or any other species also might be subject to state laws. Under such circumstances, a hunter could conceivably request a permit from a state to hunt within national park boundaries despite National Park Service regulations expressly prohibiting hunting. Such an issue threatened much more than Death Valley National Monument; it challenged the entire concept of protected areas such as national parks.

As the 1950s ended, feral burros remained a major issue for Death Valley. Throughout the decade, the National Park Service treated burros as if federal law and national park regulations governed their management, which sometimes instigated conflict with the state of

¹⁹ Fred Binnewies to Horace M. Albright, April 21, 1959, Death Valley, H14, L2023, Death Valley archive; Rothfuss,

California. Other federal agencies gratefully followed the National Park Service's lead. Well into the 1960s, the agency and the BLM worked to eliminate burros. Public outcries and increased scientific interest compelled both agencies to devise new approaches even as they continued existing management practices. With the exception of the live-capture program, federal and state authorities largely confined burro management to direct reduction.

The National Park Service broadened its approach to burros during the 1950s. Death Valley had not undertaken a comprehensive assessment of burro ecology before 1957, when Lowell Sumner of the National Park Service organized a research team to conduct population, concentration, and food studies. Sumner discovered that burros were prevalent in the Panamint Mountains on the monument's west side, but bighorn sheep were not. Although the appearance of burros always assured a shrinking number of desert bighorns, Sumner reported that in Death Valley, springs that burros used heavily showed no evidence of use by bighorn sheep. This important clue helped shape new agency policy. After publication of his work, the agency closely examined the relationship between burros and bighorns. Despite the fact that many regarded Sumner's assessment as counterintuitive, if bighorn sheep and burros truly did not use the same springs in Death Valley, the urgency of their removal considerably diminished.²⁰

Sumner's report gave the National Park Service room to maneuver. The agency needed to remove burros because they were an exotic species, not native to the area, but the animals had a strong constituency. Advocates felt they belonged not only in the desert, but as historic characters in the monument's drama as well. Sumner's report allowed the National Park Service to avoid direct conflict with this vocal and increasingly powerful constituency. His team's

An Administrative History of the Removal of Feral Burros, 4.

²⁰ E. Lowell Sumner, "The Effects of Wild Burros on Bighorns in Death Valley National Monument," *Transactions of the Desert Bighorn Council* 3 (1959): 4-9.

assessment meant that burro reduction would continue, but it did not have to proceed with great speed. If Sumner was correct and burros did not encroach on resources used by Death Valley's bighorn sheep, the agency could wait to remove burros rather than antagonize their supporters. The National Park Service excelled at timing, at finding the most opportune moment to implement policy. Sumner offered the scientific means to allow this strategy to succeed in Death Valley.

As burro advocates in California and around the nation pushed for increased species protection, the National Park Service devised a stronger, more scientific rationale for burro control. In the late 1950s and early 1960s, many national park resource policies shifted to a greater reliance on science. Such efforts culminated in the Leopold and the National Academy of Sciences reports of 1963, which together charted a new course for natural resource management in the national park system. The reports advocated the preservation of wild nature by an infusion of science. Management emphasis changed even before researchers completed the reports. In June 1962, the relationship between burros and bighorn sheep became a central topic at the First World Conference on National Parks. A special advisory board recommended that National Park Service officials vigorously respond when external threats challenged the viability of native species in national park areas. Passive protection alone could not restore damaged biota, the board suggested. When it addressed the issue of Death Valley's burros, board members recommended direct reduction when other methods of control were not practical. Professionals, not recreational hunters, they thought, were the best choice for such reductions. Using nonprofessionals often resulted in confusion in national recreation areas, the board reported. As Death Valley's burros randomly crossed between agency jurisdictions, any program for direct

reduction required interagency cooperation.²¹

Even as efforts at developing new strategies took shape, the National Park Service continued to remove burros from Death Valley National Monument. A two-pronged approach that included capture and removal as well as direct reduction yielded surprising results. By 1967, the National Park Service and BLM removed 3,570 burros – 1,790 by live trapping and 1,780 by direct reduction. In the changing cultural climate of the late 1960s, shooting burros became harder to justify to a more interested and emotional public. In 1968, because of public outcries, Death Valley National Monument halted its direct reduction program. Burros remained within monument boundaries, while external pressures forced the National Park Service to develop fresh approaches to their removal.

The end of the National Park Service's direct reduction program pushed agencies in the region closer to one another. Unilateral action by any one agency was impossible. The burros transcended jurisdictions, and without a joint management strategy, the burros would continue to roam at will. National Park Service frustration swelled. Accustomed to treating its lands as separate from those of surrounding federal and state agencies, the agency now faced countless expensive and time-consuming interactive efforts for what many in the National Park Service regarded as an internal issue. Despite those sentiments, cooperation remained the only viable strategy, and its long history in the desert smoothed over differences.

The National Park Service soon formally recognized that managing native species inside the monument demanded the involvement of other government entities. On July 6, 1970, the National Park Service and the California Department of Fish and Game signed a memorandum of understanding that defined burro jurisdiction. Reflecting the need for interagency cooperation,

²¹ Rothfuss, *An Administrative History of the Removal of Feral Burros*, 5-6.

the agreement settled numerous issues. Under its terms, federal and state representatives agreed to consult with each other before initiating fish and wildlife research projects. They also agreed to coordinate natural resource management when implementing any plan, program, or regulation that affected the distribution, numbers, species, or public use of fish and wildlife on National Park Service land. A technical study committee, composed of biologists, wildlife managers, and other professionals from the involved agencies, formed to study regional fish and wildlife problems and to develop recommendations for long-range programs. Since burros consumed much of the Death Valley's energy and resources, Superintendent Robert J. Murphy made a management plan for the species the monument's top priority.²²

At about the same time, new federal laws altered the terrain in which the National Park Service managed natural resources. The National Environmental Policy Act (NEPA) of 1969 compelled federal agencies to undertake specific management actions. After NEPA, the National Park Service shared statutory obligations with every other federal agency. This era of possibility influenced the National Park Service in dramatic ways, simultaneously garnering tremendous support for the agency and creating vociferous challenges to its management values and practices. The agency's drive toward professionalization in the natural sciences matured almost at the same time, as a generation of wildlife biologists entered the National Park Service. Together, these factors combined to create an emphasis on resource management that elevated its significance at many parks and monuments.²³

In this context, Death Valley National Monument implemented a new feral burro management plan on Nov. 18, 1970. The National Park Service successfully had removed the

²² Rothfuss, *An Administrative History of the Removal of Feral Burros*, 6

²³ Hal K. Rothman, *Saving the Planet: The American Response to the Environment in the Twentieth Century* (Chicago: Ivan R. Dee, 2000), 158-83; Lary M. Dilsaver, ed., *America's National Parks: The Critical Documents* (Lanham, MD: Rowman

overwhelming majority of burros from the monument's east side, but a survey found more than 1,300 animals still inhabiting the Panamint Range. The destructive capability of so many burros warranted ongoing control. Under the 1970 plan, live trapping became the principal method of burro removal. The National Park Service resorted to direct reduction only to remove isolated populations or where traps interfered with or jeopardized bighorn desert sheep populations. To limit the ingress of burros, the National Park Service, in cooperation with other state and federal agencies, established a five- to ten-mile buffer zone around the monument's perimeter. The California State Fish and Game Department and the California Department of Agriculture, BLM, and Department of Defense Naval Weapons Center at China Lake all participated in the program. Under the plan, removal continued throughout the 1970s.²⁴

At the same time, public sentiment in support of burros intensified, and a change in law indirectly hamstrung the National Park Service's cooperative efforts. The passage of the Wild and Free Roaming Horse and Burro Act in 1971 laid out new federal standards for animal management. It required all federal agencies except the National Park Service to protect wild horses and burros. A combination of sentiment that envisioned the burros as a cuddly species, a growing environmental movement, and an increasing disdain for federal management contributed to the provisions' makeup. The National Park Service's particular mission, best articulated in the Leopold Report's definition of national parks as "vignettes of primitive America," exempted it from the provisions of the Wild Horse and Burro Act, but the law affected the actions of each of the agency's partners in transboundary management. None of the other agencies could pursue aggressive reduction, and many were tentative even about live capture and

and Littlefield Publishers, 1994), 269-373; Ronald A. Foresta, *America's National Parks and Their Keepers* (Washington, D.C.: Resources for the Future, 1984), 93-117.

²⁴ Robert J. Murphy, "Burro Management Plan, Death Valley National Monument," 1970, Death Valley archive.

removal. The National Park Service could remove as many burros as it cared to, but without either fences to enclose the monument or close supervision of its boundaries, the agency's actions were meaningless. The acknowledgment of the National Park Service's unique management obligations did little to resolve the question of the burros' presence inside Death Valley National Monument.²⁵

To assess the impact of burros on the monument and devise a series of alternatives for removal, the National Park Service undertook an environmental impact statement (EIS), one of the NEPA requirements. Pressure from the International Society for the Protection of Mustangs and Burros accelerated this dimension of statutory compliance. The monument watched as burro advocacy groups threatened Grand Canyon National Park with lawsuits over its handling of feral burros. The combination of public input and extensive management choices in the EIS diffused the tension inherent in the process. In September 1977, the National Park Service's draft EIS provided twenty alternatives for removal of the burros. These included complete or partial removal of the herds, trapping, shooting, sterilization, relocation, and carcass disposal. The interim burro plan of the BLM's Bakersfield District served as a model for Death Valley. The National Park Service drew up a cooperative agreement regarding burro management with BLM and the U.S. Navy at China Lake Naval Weapons Center. A 1981 burro census estimated that thousands of animals still remained within the monument. After twenty-eight helicopter flights, the census counted more than 1,000 burros in the Butte Valley-Anvil Spring Canyon area alone, and nearly 700 in the Cottonwood-Marble Canyon area. Natural resource managers estimated that the burro population increased more than 10 percent annually, further pressing the case for

²⁵ Rothman, *Saving the Planet*, 170-75; Sellars, *Preserving Nature in the National Parks*, 258-59.

immediate action.²⁶

At the beginning of the 1980s, the National Park Service again reevaluated its burro policy. The existing strategy divided the agency between its historic internal patterns of removal and direct reduction and the external need to work with active constituencies that opposed burro removal programs and other agencies barred from direct reduction programs. Especially during the 1980s, all federal agencies lived in the court of public opinion, and a burro policy without public support was doomed at best and could likely derail agency initiatives in other areas. In the early part of the decade, the agency established new precedents. A live capture program proved successful at Grand Canyon National Park. During 1981, the Fund for Animals placed more than 565 burros captured at Grand Canyon. Despite the exorbitant cost of nearly \$1,000 per live capture, the program dramatically decreased the number of burros in the park. By July 1981, Grand Canyon's burro population had dropped to an estimated dozen. At the same time, BLM also demonstrated success in burro management. At the end of 1981, BLM removed 385 burros from its lands and placed them through its Adopt-A-Burro program. However, this strategy was as expensive as the Grand Canyon program, and BLM lacked the resources to continue. Facing similar fiscal restraints, the National Park Service needed a way to appease the public supporters of burros and to find groups to pay for such a program. When Edwin Rothfuss became superintendent of Death Valley in 1982, Regional Director Howard Chapman told him that implementing the burro removal plan was the monument's top priority.²⁷

Under Rothfuss, Death Valley embarked on an expensive and ambitious removal plan designed to simultaneously satisfy the public and eliminate burros from the monument. The

²⁶ Rothfuss, *An Administrative History of the Removal of Feral Burros*, 9-10; Superintendent's Annual Report 1981, Death Valley archive.

three-phase plan approached the question of burro resolution from an analytical perspective. During the three-year first phase, National Park Service personnel trapped burros and turned them over to animal protection groups for placement. After that, the plan allowed animal protection groups one year to remove as many of the remaining animals as possible. Following the live removal period, the National Park Service planned to again implement direct reduction. The National Park Service, BLM, and four animal rights groups signed the agreement on July 2, 1982, and the three-year roundup began in October 1983. The National Park Service and BLM constructed a live capture corral near Ridgecrest, California, and brought in wranglers and helicopters to chase and remove burros. When the roundup ended in April 1986, crews had removed nearly 6,000 burros from the monument at a cost of \$1.7 million. Animal protection groups agreed to arrange for the adoption of all captured burros. Their adoption program succeeded in relocating only 60 percent of the total, for the large number of captured animals taxed the resources of the advocacy community. During the second phase of the plan, from fall 1986 to winter 1987, protection groups removed an additional 230 burros and announced that they had completed their work. Direct reduction resumed on July 1, 1987.²⁸

By the end of the 1980s, the National Park Service had melded its statutory obligation to protect monument resources with the public's desire to protect burros. The agency determined that burros could not stay inside Death Valley. It conveyed that idea to peer agencies and the public, and devised a strategy that, while expensive, created a template for burro removal. The National Park Service paid to remove burros over a specified time, gave advocates a period in which they could remove additional burros, and then returned to its older and now controversial

²⁷ Wright, *Wildlife Research and Management in the National Parks*, 97-98; Sellars, *Preserving Nature in the National Parks*, 258-59.

practice of direct reduction with no less than the tacit approval of advocacy groups. The strategy showed a sophistication that stemmed from nearly a half-century of managing the burros at Death Valley. The National Park Service brought its critics into the process, gave them options that they recognized as reasonable and fair, and circumvented most criticism of park policies and practices. The burro management strategy of the 1980s served as a model for national park and monument managers throughout the country.

Passage of the 1994 California Desert Protection Act considerably expanded the area in which the National Park Service managed feral burros. In effect, the new lands, previously managed by BLM, meant that burro management had to begin anew, this time on lands where the animals were firmly entrenched. The National Park Service favored the model it developed at Death Valley. Similar strategies removed burros from Grand Canyon National Park and Bandelier National Monument. The agency set out to assess the burro question on the new lands, this time in a regional context. On Feb. 28, 1995, the superintendents of Death Valley National Park and Mojave National Preserve completed an interim management policy that addressed the questions of burros on former BLM lands. This interim plan maintained BLM-approved levels of burros until planners generated a final policy. A 1998 draft EIS established a limit of 297 burros in Death Valley National Park and 130 in Mojave National Preserve. The National Park Service estimated that it had to remove at least 110 burros from Death Valley National Park and 1,100 burros in Mojave National Preserve to reach the new herd limits.²⁹

The draft EIS conceded public affection for burros, but established herd limits that allowed the National Park Service to pursue its longtime goal of eliminating burros within the

²⁸ 1998 Draft General Management Plan, Death Valley National Monument, Death Valley archive; Rothfuss, *An Administrative History of the Removal of Feral Burros*, 15-17.

original monument's boundaries. As the new lands attracted more public attention, the agency devised a two-pronged approach to burro management. It tolerated herd levels in some situations; elsewhere, the National Park Service continued removing all the burros and making them available for adoption. The ongoing stream of animals again strained the already overtaxed resources of burro support organizations. In 1995, an animal protection group removed burros within the former monument boundaries. Although the National Park Service had already fulfilled its obligation to allow such outside captures under the terms of the 1980s plan, it suspended its direct reduction program while the volunteer group worked. This group removed approximately twenty-five burros each year. When volunteer efforts ended, the agency again resumed direct reduction. Despite their best efforts, the volunteer groups simply could not remove sufficient burros to make an impact on the population.³⁰

By the end of the 1990s, Death Valley National Park and its predecessor national monument had managed burros for more than sixty years. Throughout that period, agency personnel dealt with a recurring set of problems relating to burros. The least expensive and most effective way to remove the animals always had been direct reduction, a policy that fell within the parameters of agency jurisdiction and one that statute supported even after the environmental revolution of the 1960s. Direct reduction exacted a cost in public support. Many Americans regarded the practice as excessive and even barbaric, and burro advocates offered other solutions. Typically, such solutions involved removal and adoption, but usually they were expensive, time consuming, and inefficient. The National Park Service often found itself in the position of spending valuable resource management dollars to secure the approval of outside

²⁹ 1998 Draft GMP; Frank Wheat, *California Desert Miracle: The Fight for Desert Parks and Wilderness* (San Diego: Sunbelt Publications, 1999), 158-212.

³⁰ Draft GMP 1998.

constituencies. If this strategy produced less than optimal results, it did help preserve Death Valley's standing with a large portion of the U.S. public.

Managing Exotic Plants

Exotic animals such as burros provided a visible symbol of change, but their flora counterparts, exotic plants species, typically drew considerably less attention from government agencies and environmental groups. Many parks, especially desert units, found themselves overrun with non-native plants that competed with native vegetation. This pattern typified the situation of exotic plants and animals in the New World since Christopher Columbus's arrival in the fifteenth century. As early as the late eighteenth century, France's Comte de Buffon, the world's first industrialist, a leading taxonomic natural scientist, and a longtime correspondent of Thomas Jefferson, unfavorably compared New World plants to those of the Old World, and European-Americans repeated his observations as they stretched across the country. European domestic plants flourished wildly in North and South America. The portmanteau biota of Europeans, the seeds that attached themselves to people and their accouterments, prospered even more spectacularly. The plantain leaf, Old World peach, white clover, and the Eurasian plant called Kentucky bluegrass were only a few of the many plants that colonists spread.³¹

In most situations, exotic plants posed a considerably different management challenge for the National Park Service. Since its 1916 establishment, the agency actively protected native plant species inside park boundaries, but tolerated exotics in some circumstances. Typically, this forbearance occurred when exotics were particularly beautiful or useful for shade or some other purpose. In other cases, the National Park Service introduced exotics as landscaping, sometimes leading to infestations that threatened native plants and posed other problems. At Death Valley

³¹ Crosby, *Ecological Imperialism: The Biological Expansion of Europe*, 145-70.

National Monument, two kinds of tamarisk – salt cedar and athel – became primary examples of exotic plant infestation. A wispy, gray-green tree native of Mediterranean countries in southern Europe and the Middle East, salt cedar tamarisk arrived in the United States early in the nineteenth century, reaching California as ornamental foliage around 1850. When it escaped cultivation, salt cedar spread rapidly, replacing native species in the typical pattern of Old World plants in the New World. Common along desert watercourses, salt cedar sometimes took over streambeds and other wet spots, creating thickets that stretched for miles. The leafy canopy that produced shade resulted from an incredible thirst for water. The plant reached deep into the soil, creating a comprehensive and wide-reaching root system that sucked every drop of moisture in the vicinity. A single large tamarisk consumed as much as 200 gallons of water each day, making a stand of tamarisk a tremendous drain on water supplies.³²

Athel tamarisk was present in Death Valley before the monument's establishment. During the 1930s, the National Park Service introduced more of the exotic plants in its landscaping. The agency detailed landscape architect John Bergen to provide shade to the buildings under construction for the National Park Service and Civilian Conservation Corps workers who made Death Valley their home, and he arranged the planting of various species. In one instance, workers planted date palms around the patios and residences of the superintendent and chief engineer. CCC crews surrounded other areas with acacia or paloverde. Around the park village and along the drainage leading away from the village, Bergen planted 200 cuttings of athel tamarisk. In June 1934, he pronounced the experiment a success, with 90 percent of his transplants thriving. The tree, which reached as high as twenty feet, provided ideal shade for

³² Theodore A. Kerpez and Norman S. Smith, "Saltcedar Control for Wildlife Habitat Improvement in the Southwestern United States," Resource Publication 169 (Washington, D.C.: United States Department of Interior, Fish and

National Park Service homes. It grew rapidly in the desert, showing resilience against both drought and flood and little of the vulnerability of other species to Death Valley's great heat. Bergen may not have been responsible for the introduction of tamarisk to Death Valley, but he played an important role in the spread of this opportunistic species. He likely discovered cuttings in the vicinity. His treatment of the plant as an ornamental and the subsequent cultivation contributed greatly to the spread of tamarisk in Death Valley.³³

By the twentieth century, tamarisk was a problem from Texas to the California desert. Its prevalence in the desert confused the agency, leading to a muted response. A basic misunderstanding of the plant's origin hampered National Park Service efforts to devise an eradication process. Agency correspondence during the 1940s often referred to salt cedar as a native species. Viewed in this way, the vegetation merited agency protection. National Park Service officials acted with great caution. A special report commissioned by the regional National Park Service office in 1947 finally concluded that Death Valley should pursue the plant's eradication. The "disproportionate abundance" of tamarisk and its impact on residents made the plant undesirable, even if the agency might consider it an indigenous species. The prolific growth of tamarisk and its impact on people and water sources finally compelled agency action.³⁴

While the National Park Service prepared to act, tamarisk continued to vex Death Valley National Monument. In 1962, the monument's master plan included an extensive list of native

Wildlife Service, 1987), 1-16; John G. Carman and Jack D. Brotherson, "Comparison of Sites Infested and Not Infested with Saltcedar (*Tamarix pentandra*) and Russian olive (*Elaeagnus angustifolia*)," *Weed Science* 30: 360-364.

³³ John H. Bergen, "Final Report to the Chief Architect, N.P.S.", 1934 Final Report to the Chief Architect, N.P.S., P.R.G. 1-11, Death Valley archive, 6-7; W.G. Carnes to Director, June 2, 1954, Final Report to the Chief Architect, N.P.S., P.R.G. 1-11, Death Valley archive; "General Information – Death Valley National Monument: Briefing Statement," January 1993, Death Valley archive.

³⁴ Memorandum for the Superintendent, May 8, 1947; Lowell Sumner, "A Special Report on the Relation of Salt Brush to Hay Fever in the Wildrose Area, Death Valley National Monument," May 5, 1947, both Death Valley files, Box 285 File 701: Flora, NARA-SB.

and non-native plant species and their locations. Researchers found athel tamarisk at Cow Creek, Emigrant Ranger Station, Furnace Creek, Grapevine Ranger Station, Saratoga Springs, Scotty's Castle, Stovepipe Wells, and Warm Springs – nearly every place where agency personnel worked or lived. Each location possessed abundant water by the desert region's standards, assuring that the plant could thrive. As did many exotics, tamarisk seemed to be taking over parts of Death Valley.³⁵

Between 1970 and 1980, the removal of athel and salt cedar tamarisk was a major part of every resource management effort at Death Valley National Monument. By the end of the 1960s, the National Park Service developed a more aggressive posture that brought about a program of widespread removal. In June 1970, Death Valley staff collected data to underpin eradication efforts. Before the 1970s, burning and cutting were the two primary techniques for removing exotic plants. As had other plants that colonized the desert's wetter places, tamarisk proved extremely resilient. Annual inspections at many locations where monument crews had cut or burned tamarisk revealed measurable degrees of regrowth. In these relatively wet desert locations, without viable competition from native desert plants, typical techniques failed to slow the growth of this persistent tree. During the 1970s, the monument introduced the use of herbicides. The National Park Service began with Silvex, but when this herbicide proved ineffective, it turned to Tordon, which produced better results.³⁶

The presence of tamarisk also threatened historic settings within Death Valley. Mining activity often occurred near water sources, and the National Park Service was committed to maintaining the historic conditions of such sites. The thirsty tamarisk posed a threat to agency

³⁵ Master Plan for Death Valley National Monument, Mission 66 Edition, D18 Master Plan, January 1960, P.R.G. 1-7, Death Valley archive, Vol. 3, Section D, 27-29.

³⁶ Superintendent's Monthly Report July 1970; Superintendent's Monthly Report July 1971.

plans. A seven-acre pond had been part of the Eagle Borax works. Between 1950 and 1970, the number of tamarisk stands increased and the plants consumed most of the surface water, altering the appearance of the historic area and depriving birds and wildlife of needed moisture. While tamarisk removal largely focused on reclaiming natural sites such as sand dunes or historic springs, the monument's efforts at tamarisk removal near Eagle Borax works linked natural and cultural resource management practices. In August 1971, a ten-acre burn kicked off a decade-long campaign to eradicate tamarisk. During those ten years, the National Park Service, Sierra Club, Youth Conservation Corps, and even students from local schools participated. In 1980, two Death Valley workers spent March through October cutting and burning a seventy-two-acre area covered with tamarisk. The project yielded impressive results. By 1981, Death Valley staff reported that water again filled the pond at Eagle Borax Works, and by November 1982, the land surrounding Eagle Borax Works was largely free of tamarisk.³⁷

Most of the National Park Service's efforts at tamarisk removal supported natural resource management goals. Much like coping with burros, tamarisk removal required considerable resources and attention, and compelled interagency cooperation. In 1993, agency removal efforts targeted the Amargosa River drainage, Stovepipe dune field, and other wetland areas. At the same time, BLM fire crews burned or used chainsaws to attack salt cedar tamarisk plants on approximately 120 nearby acres. Such cooperation highlighted the level of threat such plants posed. No agency could address it without working with its neighbors. The efforts were ongoing, for tamarisk continued to appear and reappear in the monument and the surrounding desert. Tamarisk control and eradication had become primary goals of the park's exotic plant

³⁷ Experimental Environmental – Historical Restoration Burn, Eagle Borax Works, Wildlife Mgmt. General, '70-72, N1615 (1-36), Death Valley archive; Superintendent's Annual Report 1981; Superintendent's Annual Report 1982.

management strategy.³⁸

Protecting Native Species

The effort to eradicate exotic plants and animals stemmed from a primary objective of agency management: the preservation of habitat and the native species that relied upon it. From the monument's inception, the National Park Service undertook surveys and assessments of flora and fauna. Desert bighorn sheep, a classic native indicator species, became the focus of much of the agency's work at Death Valley. Studies began in 1938, when government naturalists conducted a field survey of desert bighorns and recorded almost 400 animals. The study prompted naturalists to recognize three primary threats to the desert bighorns: competition from burros, water availability, and poaching. The first direct reductions of feral burros followed from the bighorn study. By 1942, comprehensive attempts to survey the mammal population of Death Valley were under way. In that year, naturalists made counts of coyote, grey and kit fox, badger, bobcat, bighorn sheep, and feral burro. The budgetary and staffing constraints of World War II restricted management to simple censuses and a reduced burro reduction programs. Intensive study and management awaited the appropriation of more resources for the monument.³⁹

National Park Service staff typically designed the removal of exotic species and flora to promote native populations. At Death Valley, the desert bighorn sheep was the most prized native species. In 1935, agency biologist Lowell Sumner called for the cessation of road improvement projects in Titus Canyon because of their impact on an important bighorn watering hole. Although Sumner's admonition had little impact in the 1930s, the perspective he advanced gained importance after World War II. Beginning in 1935, the National Park Service surveyed

³⁸ List of Superintendents, A2615, Death Valley archive reference material; Superintendent's Annual Report 1992.

³⁹ Joseph S. Dixon, "A Survey of Desert Bighorn in Death Valley National Monument: Summer 1938," Nov. 12, 1938, 1-6; Memorandum for Mr. Demaray, Dec. 9, 1938, both Death Valley files, Box 285 File 715-09: Bighorn, NARA-SB; Wildlife Report for the Year 1942, Death Valley files, Box 285 File 700-0: Nature Study, NARA-SB.

bighorns in the monument. From 1935 to 1939, Joseph S. Dixon of the Wildlife Division and Sumner tracked the sheep, attempting a bighorn sheep census by counting at the waterholes. In 1938, researchers counted sixty-five bighorn, and the following year, observers saw sixty-six. Despite some reservations about methodology, Sumner and wildlife technician Andrew Nichol indicated that they could not definitively assess population, but an estimate of 500 sheep, well up from the numbers at the monument's establishment, was a hopeful sign.⁴⁰

Desert bighorn sheep did not respect agency boundaries any more than any other ambulatory species, and multijurisdictional cooperation became essential to efficient management. In 1953, Sumner again visited Death Valley to assess the relationship between burros and bighorns. His efforts continued throughout the decade, culminating in a multiagency effort to protect the bighorn. By the late 1950s, the National Park Service had met with federal and state agencies to initiate cooperative procedures. In 1957, despite Sumner's inability to demonstrate direct correlation, the participants agreed that burros were encroaching on bighorn sheep. Death Valley officials recognized that they did not have enough information to make the best management decisions, but without resources to devote to the issue, the agency could make little progress. The meetings established the principle of cooperation, and the monument and other entities began working together. The second Desert Bighorn Sheep Council meeting convened in April 1958, beginning a series of annual convocations. By the early 1970s, a series of studies culminated in the assessment that burros and other animals were forcing bighorns from water sources. Researchers for the state of California and the National Park Service recognized that the bighorn population decline stemmed directly from the impact of burros on their habitat.

⁴⁰ Andrew Nichol, "Special Report: Bighorn Sheep Survey, Death Valley National Monument," Aug. 5, 1939; National Park Service, Special Information Release, March 10, 1940; J.S. Dixon, "Status of Bighorn Study in Death Valley National

This assessment was crucial in establishing the policy that led to burro removal. In the end, controlling the burro population assured the survival of desert bighorn sheep in Death Valley.⁴¹

Pupfish Preservation

The desert also harbored unique species in unusual locations, compelling the National Park Service to mount aggressive action to protect them. The Devil's Hole pupfish provided the primary example of species preservation. For more than 20,000 years, a small spring known as Devil's Hole, to the east of Death Valley in Ash Meadows, Nevada, harbored the pupfish. In this isolated spot, the species evolved into a unique inch-long fish, adapted to the unusual conditions that characterized its restricted environment, where water temperature remains at the uppermost edge of tolerance for vertebrate species. Only seventy-one feet long and eleven feet wide, Devil's Hole was a remarkably small habitat to sustain any species. Part of a vast underground water system, the pool containing the pupfish was fifty feet below the rim of Devil's Hole. At one end of the pool, a submerged shelf, eleven feet wide and sixteen feet long, provided a home for the pupfish. The fish fed and reproduced on this shelf, with the species' existence depending on the water level in the pool above the shelf. Beyond the shelf, the water dropped into a cavern more than 400 feet deep. Sunlight that struck the pool's surface stimulated the growth of algae, an important food source for the pupfish and for the other aquatic organisms on which they fed. Sunlight only briefly reached the water during short summer intervals. In summer, food for the pupfish was abundant and the population varied from 700 during the summer peak to as few as

Monument," manuscript, Death Valley Library, 1-19; J.S. Dixon and E. Lowell Sumner, Jr., "A Survey of Desert Bighorn in Death Valley National Monument," *California Fish and Game* V 25 (1939), 72-95.

⁴¹ Superintendent's Monthly Report, April 1953; Supervisory Park Naturalist, "Memorandum: Bighorn Sheep Meeting, Las Vegas, Nv., May 2, 1957," May 10, 1957; Park Naturalist to Supervisory Park Naturalist, "Memorandum: Yuma Bighorn Conference," April 21, 1958, Death Valley archive.

200 in winter.⁴²

Scientists discovered the Devil's Hole pupfish in the 1890s. Initially classified as *cyprinodon nevadensis* and commonly named the Nevada pupfish, scientists soon regarded the Devil's Hole pupfish as a species separate from other Nevada pupfish and reclassified it as *cyprinodon macularius*. In 1930, Joseph Wales published biometrical studies of the pupfish in the Death Valley region that recognized its unique nature and designated the population as a separate species, *cyprinodon diabolis*. Wales' conclusions guided early National Park Service decisions.⁴³

Before 1952, Devil's Hole lay outside the monument boundaries and National Park Service jurisdiction, and the fate of the species remained uncertain. *Cyprinodon diabolis* teetered near extinction. Known only to a few scientists and resource managers, it had little chance at protection as other uses of the belowground water system increased. World War II made extensive research or monitoring programs by universities or other government agencies impossible. Monument personnel knew that a unique and precarious species lived nearby, but they lacked the fiscal resources and jurisdictional power to do anything to protect *cyprinodon diabolis*.⁴⁴

Even the addition of Devil's Hole to the monument in 1952 offered little immediate protection to the pupfish. Throughout the arid West, acceleration of water consumption threatened desert species and during the 1950s, agricultural activities expanded rapidly in the Ash Meadows region. Although the National Park Service monitored *cyprinodon diabolis* after

⁴² Interior Task Force for Preserving the Desert Pupfish, "A Progress Report on the Status of Desert Pupfish," Animal Life Fish II: Pupfish 7-9/71, N1423, 1-29, Death Valley archive.

⁴³ Cynthia Deacon Williams and James E. Deacon, "Ethics, Federal Legislation, and Litigation in the Battle Against Extinction," in William L. Minckley and James Deacon, eds., *The Battle Against Extinction: Native Fish Management in the American West* (Tucson: University of Arizona Press, 1991), 109-23.

the addition, during long periods little oversight took place. Agency officials thought that only direct human interference threatened the pupfish. As the use of underground water for agriculture increased, the National Park Service recognized the possible impact of this indirect threat. After World War II, the water level in Devil's Hole precipitously dropped, exposing the crucial limestone shelf. With a less-than-one-year life span, the Devil's Hole pupfish faced extinction if outside actions destroyed its sole habitat.⁴⁵

The addition of Devil's Hole to Death Valley National Monument gave National Park Service officials the combination of jurisdiction and standing to assess and protect the pupfish. In 1963, the agency asked the Water Resources Division of the U.S. Geological Survey to examine the threats to *cyprinodon diabolis*. The USGS had maintained a water level recorder at Devil's Hole after 1956, which provided important baseline information. The two agencies determined that continued development around Ash Meadows negatively affected groundwater levels in Devil's Hole. Natural resource managers knew that water levels fluctuated annually, but could not demonstrate a definitive link between regional water usage and changing water levels inside Devil's Hole. Environmental groups were unwilling to let agricultural development determine the fate of *cyprinodon diabolis*, and they lobbied Congress for pupfish protection.

During the 1960s, a wave of environmental legislation created the context that made possible the protection of this unique species. The initial stage culminated in the 1966 passage of the Endangered Species Preservation Act. This forerunner of the Endangered Species Act of 1973 established a list of endangered and protected species, but offered little direct protection. In

⁴⁴ Tom Baugh and James E. Deacon, "The Most Endangered Pupfish," *Freshwater and Marine Aquarium* (June 1983), 16-21; Superintendent's Annual Report, 1983.

⁴⁵ John R. White to Joseph Dixon, March 23, 1935; Thomas Williams to Lowell Sumner, Jan. 15, 1938, Animal Life Fish Pupfish, 1932-68, N1423, 1-31, Death Valley archive; Field Report, Field Number SF94949; Director to Regional Director, Regional Four, June 1950; Acting Regional Director to Superintendent, June 23, 1950; Park Naturalist to Superintendent, Sept. 5, 1950, all Box 279 File 610: Devil's Hole, NARA-SB.

1967, Secretary of the Interior Stewart Udall added *cyprinodon diabolis* to the endangered species list.⁴⁶ This largely symbolic gesture represented the first genuine acknowledgement of the pupfish's dire situation.

The listing of endangered species set up a characteristic Western conflict. Since the rise of the conservation movement in the early 1900s, conservationists and unabashed resource users have struggled over the region's limited resources. As was common in confrontations involving divisions of resources between human use and the preservation of nature, the struggle over the fate of the Devil's Hole pupfish became fierce. On one side were environmentalists and scientists, such as those who formed the Desert Fishes Council in 1969. Confronting that camp were area residents such as were ranchers, anti-government interests, and those who resented the pattern of environmental regulation that characterized the 1960s. Bumper stickers on Nevada cars appealed to onlookers to "Save The Pupfish." Opponents responded with the callous equivalent, "Kill The Pupfish," on their own vehicles.⁴⁷

In the increasingly litigious society of the United States, the courts provided the only avenue for resolution. In 1972, the legal battle over the future of the pupfish began. *Cappaert v. United States* asked whether the federal government reserved water rights if it described a purpose for land in a proclamation. In June 1976, the U.S. Supreme Court ruled that the 1952 proclamation that added Ash Meadows to Death Valley National Monument secured water rights that maintained enough water in Devil's Hole to protect the pupfish. Upholding a lower court

⁴⁶ G.F. Worts Jr., "Effects of Ground-water Development on the Pool Level in Devils Hole, Death Valley National Monument, Nye County, Nevada," August 1963, DEVA Cat 63319, Death Valley archive; Baugh and Deacon, "The Most Endangered Pupfish"; Remarks of James T. McBroom, Nov. 16, 1971, Animal Life Fish Pupfish, 10-12/71, N1423 (1-23), Death Valley archive.

⁴⁷ Robert D. McCracken, *A History of Amargosa Valley, Nevada* (Tonopah, NV: Nye County Press, 1990), 94-95.

order, the decision established a minimum water level that protected the pupfish's habitat.⁴⁸

After gaining protection in statute, the real work of the monument's natural resource managers began. In response to dropping water levels in 1970, researchers and resource managers created an artificial environment in Devil's Hole, installing lights and a manmade spawning shelf to stimulate diatom and algae growth. The light provided more food, creating conditions that fostered an increase in the pupfish population. An attempt to expand pupfish habitat also followed. In an effort to study adaptive capabilities, the National Park Service transplanted pupfish to two other isolated pools and an aquarium. Routine census surveys that used both diving teams and surface counting teams began. In 1972, agency members removed a small number of fish from Devil's Hole to a concrete tank near Hoover Dam. In 1981, workers placed more fish in a concrete tank one mile from Devil's Hole.⁴⁹

Management remedies faced natural interference as well as human demands on resources. In spring 1973, a flash flood carried large amounts of debris into Devil's Hole that scoured away much of the food supply for the species. Resource managers watched with trepidation as the pupfish population again declined. It stabilized at a higher level within a year. In 1975, park staff installed a new bank of electric lights – artificial sunlight – designed to stimulate algae growth during winter spawning periods. Managers presumed that more food in spawning season might steady the annual pupfish population. In 1978, an earthquake with its epicenter in Mexico caused such violent water disturbance in Devil's Hole that algae was scoured from the shallow rock shelf. Again the National Park Service intervened, formalizing the

⁴⁸ *Cappaert v. United States*, 96 S. Ct. 2062 *Supreme Court Reporter* (1976); Annual Report, 1976; Baugh and E. Deacon, "The Most Endangered Pupfish," 16-21.

⁴⁹ Superintendent's Annual Report 1975; Superintendent's Annual Report 1981.

pattern of management it had established in its effort to protect the pupfish.⁵⁰ Ever after, the National Park Service was committed to maintaining the pupfish by scientific management of the species' habitat.

Pupfish survival required more than management. In the heyday of an era in which a bipartisan coalition of national legislators willingly and easily made decisions designed to protect habitat, species, and other resources, the federal government could advance its goals of pupfish management by land acquisition and other measures. As part of the effort to protect the California desert that began with a BLM plan in the early 1980s, on Jan. 5, 1981, U.S. Senator Alan Cranston, D-Ca., introduced a measure to create a national wildlife refuge at Ash Meadows. Before Congress passed the bill in 1982, the National Park Service had entered into negotiations with the BLM, U.S. Fish and Wildlife Service, and the Nature Conservancy. Collectively, these groups owned and managed more than 13,000 acres surrounding Devil's Hole, with the Nature Conservancy purchasing a large quantity of private land in the vicinity. The commitment of this acreage to the proposed wildlife refuge led Congress to establish the Ash Meadows National Wildlife Refuge on June 18, 1984, but establishment of the refuge did not eliminate threats to the pupfish. Throughout the 1990s, the pupfish population declined. A bioenergetics study did not produce a definitive reason for the drop, and remediation efforts, such as removing gravel from the south end of the shelf to optimize the habitat for spawning, helped, but did not resolve the issue. Five pupfish population censuses in 2001 did not offer evidence that the pupfish population was stable.⁵¹

⁵⁰ Superintendent's Annual Report 1973; Superintendent's Annual Report 1975 Superintendent's Annual Report 1978; Baugh and Deacon, "The Most Endangered Pupfish."

⁵¹ David Salvesen, "California Desert Protection Act," *Urban Land* 54, no. 1, (January 1995); National Park Service, *A History of the New Lands Added to Death Valley National Park by the California Desert Protection Act of 1994: Special History Study* (Denver, Colo.: Denver Service Center, 1997); "Death Valley National Park, Annual Report 2001," Technical Information Center, Denver CO, 143/D-200, 19-20.

CDPA and Natural Resource Management

The Wilderness Act of 1964, the legislative pinnacle of 1960s environmentalism, also had enormous implications for Death Valley National Monument. Before 1960, deserts simply did not fit the U.S. idea of wilderness. Although often “untrammelled,” the word in the statute that described the precondition of designated wilderness, deserts lacked the spectacular mountain scenery of the primary national parks, the park system’s so-called “crown jewels.” By the time Congress established Death Valley National Park in 1994, the nation had accepted deserts as wild places and valued them in new ways.⁵²

Passage of the California Desert Protection Act and the change to national park status altered natural resource management at Death Valley National Park. By the 1990s, a concerted effort by park staff made important inroads in creating integrated management. National park status and its mandated implications started the process anew. Not only was Death Valley National Park considerably larger than its national monument predecessor, but it also included 3.2 million acres of designated wilderness – more than 95 percent of the park – within its boundaries. Along with more than sixty-nine additional designated wilderness areas on BLM land in the Mojave Desert, the new park instantly became part of a regional interagency resource management collective with concerns that crossed jurisdictional boundaries. The combination of longstanding cooperation with peer agencies in the desert and the hostility of anti-wilderness state and federal legislators and their supporters drove federal agencies closer together.⁵³

The new park designation led to regional planning efforts for desert recreational lands. In 1995, the Northern and Eastern Mojave Planning Effort (NEMO), which involved the National Park Service, BLM and U.S. Fish and Wildlife Service, began. The effort simultaneously

⁵² David Darlington, *The Mojave: A Portrait of the Definitive American Desert* (New York: Henry Holt and Co., 1996), 8-11.

attempted to plan the future of the desert and create the appropriate compliance documents, most importantly an environmental impact statement for Death Valley. Beginning in 1995, the National Park Service held more than forty public meetings. The result, a draft *EIS/General Management Plan*, became public in September 1998. A revised draft followed in September 2000, with a final plan published in 2001.⁵⁴

The new plan treated the park's natural resources as part of a larger ecological region. The change in park status necessitated an entire range of natural resource strategies that Death Valley's staff never before had contemplated. Juxtaposing the National Park Service mission with the demands of desert recreational users, the agency fashioned a defensible if sometimes controversial resource management agenda. In the most general terms, the National Park Service proposed to carry out its statutory obligations as it promoted visitor service, providing it a legally defensible position when it came to the implementation of policy. This provided the agency with more than sufficient justification to continue existing policies on even the newest parklands. With protecting native desert plants as a primary agency mission, the National Park Service could continue its policies of exotic removal from not only the area once reserved in the national monument, but from the entire CDPA addition of more than one million acres. The agency continued existing endangered and threatened species policies, with special attention for Devil's Hole and other sensitive areas. Death Valley personnel expanded the "no exotics" strategy from the former monument to the entire park, further accentuating one fundamental difference between national parks and other federal lands.⁵⁵

At the same time, the wilderness designation that accompanied the CDPA required a new

⁵³ Wheat, *California Desert Miracle*, 245-304; Darlington, *The Mojave*, 301-14.

⁵⁴ Northern and Eastern Mojave Planning Effort, Update, June 22, 2001, Death Valley archive.

⁵⁵ I *Death Valley Draft Environmental Impact Statement/General Management Plan*, Death Valley archive, 59, 69.

degree of administrative dexterity from park managers. Wilderness had been a thorny issue for National Park Service officials because it limited management discretion. At Death Valley National Park, the agency faced an enormous administrative burden. Most of the park, more than 3 million acres, suddenly had wilderness designation, changing the way supervising personnel managed existing park lands and adding additional obligations with the new acreage. The National Park Service could not leave the wilderness areas alone. The agency had to manage them to maintain their character, albeit without many of the tools and technologies commonly devoted to such purposes.

The development of such management techniques took place under guidelines established by the NEMO regional planning process, which included the development of a consistent management policy for Department of the Interior wilderness areas in the California desert. Adhering to the act and the policy directives gave the National Park Service a proscription for management, describing the appropriate agency responses to a wide variety of situations. In a provocative ruling that stemmed from the legislative battle to create CDPA, the agency was not allowed to exclude grazing from the wilderness lands it inherited from BLM. Instead, the legislation compelled it to permit grazing at the pre-park status levels on that acreage. The rules did limit the construction of new range facilities in the designated wilderness only when they supported cultural or natural resource management. Although as the new century approached much planning remained before the park truly integrated wilderness into its resource management planning, the National Park Service had established principles for guiding the process. Death Valley was to manage and protect resources to enhance public understanding and

appreciation of park wilderness, and it assigned itself the task of restoring disturbed lands.⁵⁶

In effect, the natural resource management component of the *General Management Plan* melded the lessons of more than a half-century of exotic species management at Death Valley. The three-phased proposal it offered followed established patterns of management and met the needs of each constituency. As had occurred with the implementation of earlier plans, feral animal advocates applauded the capture tenet that the agency advanced. They participated in roundups in the first phase and took a leading role in the second phase, assuming responsibility for capture of remaining animals. With that phase finished, the agency planned to resort to a range of strategies to eliminate exotic animals from Death Valley. The National Park Service's plan made the process clear: animal protection groups would be invited to remove all of the population they could, the agency would remove the maximum it could, and at the end of a specified time, any remaining animals would be eliminated.⁵⁷ For wilderness areas, Death Valley would allow grazing operations to continue existing use in newly acquired land. The agency would work to protect the wilderness character of the lands even as grazing continued. The plan may not have been perfect, but it allowed each constituency ample room to achieve its ends.

By the completion of the 2002 *General Management Plan*, Death Valley National Park had recognized that conventional natural resource management – the wildlife and plant management that had been characteristic of the National Park Service throughout its history – would no longer suffice in the desert. The combination of new influences on the region, the growth of population, and a host of other factors forced the park to conceive of ways to protect everything from viewsheds to water resources as well as its more typical natural resources.

⁵⁶ "Principles for Wilderness Management in the California Desert," *Death Valley Draft Environmental Impact Statement/General Management Plan*, 294-311, Death Valley archive.

⁵⁷ Ibid, 69-70.

Understanding and accepting that the desert was a place of scarcity, the park fashioned its vision of twenty-first century natural resource management as minimalist: whenever and wherever, the park would make its footprint as light as possible. While such a strategy always had been followed, it had never been articulated in quite the same way.⁵⁸

The plan highlighted an important realization. At Death Valley National Park, nothing was going to get any simpler. Natural resource management, already a primary focus at the park, seemed poised to take up an ever greater proportion of its resources. The obligations were definitive, the very basis of the park. In the new century, natural resource management loomed larger and more complex. By 2002, a solid plan was in place. Implementation would take time and careful management.

⁵⁸ Death Valley General Management Plan, 2002, 18-37.

Epilogue:

Death Valley in the New Century

As the new century dawned, anyone at Death Valley National Park could point to countless ways in which the park's prospects had improved. Death Valley personnel had confronted and solved many of the issues that had vexed managers since 1933. Between the 1980s and late 1990s, Death Valley had completed the transition to national park status, added an enormous wilderness area, and standardized procedures and practices at a new and higher level than had ever before been possible. The park had already synchronized its management with the 1991 Vail Agenda, the redefinition of National Park Service objectives that stemmed from the National Park Service's 75th anniversary conference, and its powerful emphasis on resource management as the lead management goal for the park system.¹ Death Valley had addressed long-term issues such as burro management. The regional planning process proceeded apace, promising the kind of integrated management of the desert that park staff had craved for more than fifty years. The Timbisha Shoshones were on the verge of attaining their long-term goal, land designated as their homeland in perpetuity, a reality to which the park had long before assented, but that had led to strife among the Department of the Interior, the park, and the tribe. A new maintenance facility to replace the decrepit existing shop at Cow Creek was finally approaching the construction phase, the prelude to addressing the unbelievable backlog of maintenance issues that the park faced. In the two decades following 1980, Death Valley had greatly improved its ability to protect resources and serve its visitors.

¹ National Park Service, *National Parks for the 21st Century: The Vail Agenda* (Washington, D.C.: National Park Service, 1993), 3, 13-19.

The new century presented new challenges at the park level and in the National Park Service as a whole. Circumstances tied Death Valley National Park's future to larger changes in the park system. In 1995, to meet the objectives of Vice President Al Gore's call to reinvent government, a major component of which was to reduce the size of the federal government, National Park Service Director Roger Kennedy made a tactical decision to change the agency's hierarchy. He froze all positions in the parks, forced the central offices to absorb mandated cuts in staffing and funding, and then moved surplus people into the park-level positions. Kennedy designed this strategy in order to reduce staffing by 30 percent and save \$30 million.²

Kennedy's decision had a number of consequences that redistributed authority, power, and resources throughout the National Park Service system. It purposely eviscerated the regional offices, long the mainstay of management, oversight, and specialized expertise, leaving few managers who could hold park-level management accountable. The changes left each regional director with a minimal staff in cultural and natural resources, one member representing the rangers, another in administration, and very few others. The National Park Service moved interpretation, maintenance, and all other professionals into park support offices. This change created two regional offices where the agency previously had only one, but the two offered less support and assistance than their predecessors, and the oversight long housed in the regional offices simply disappeared. Clusters of parks, based loosely on geographical similarities, determined regional priorities for research, preventive and rehabilitative maintenance, and most other

² Rep. Sidney Yates to Bruce Babbitt, January 20, 1995; Bob Krumenaker, "Are We Flourishing Yet?" *Natural Resources Year in Review* (Washington: National Park Service, 1997), D-1182; Department of the Interior, *FY 1995 DOI Annual Report* (Washington, D.C.: Department of the Interior), 12-13.

budget functions previously handled by regional office staff. Under the reallocation, parks were supposed to work closely together and share expertise.³

By most accounts, the reorganization upended the National Park Service's standard practices, but did not replace them with a viable operating system. When the regional offices disappeared, people moved into leadership positions in parks for which they had no expertise or previous experience. Some parks found themselves with assistant superintendents, the operations chief of the park, who had never served in a park and had little conception of how parks worked. Many experienced people took "early out" retirement options, sometimes with large incentive packages. Often the ones who left had precisely the expertise that the agency needed, leaving not only a gap in institutional memory but also diminished capacity. "The 1995 reorganization was a waste of money, people, and lives," observed long-time National Park Service historian and superintendent Melody Webb in one of the most strident attacks on the entire process.⁴

Even more daunting was a change in the distribution of responsibilities that accompanied the restructuring. As part of the reorganization, a nationwide programmatic agreement shifted compliance to park superintendents instead of regional offices. The complicated legal nature of most of compliance mandates required at least some centralized authority. The process demanded an even larger share of scarce park resources. The specialists sent from the regional offices to the parks were supposed to pick up such obligations, but they also had to learn the day-to-day responsibilities of their new postings as well. In the end, Kennedy's reorganization, designed to streamline

³ Peter E. Thorsett, "Reorganizing the U.S. National Park Service," (unpublished paper, University of Tennessee, Knoxville), 3-16; Department of the Interior, Order No. 3189, May 25, 1995, "Reorganizing the National Park Service."

⁴ Melody Webb to Hal Rothman, June 20, 2003, possession of the author; Krumenaker, "Are We Flourishing Yet?"

agency functions, saddled new obligations on the parks without providing adequate resources to manage them.

The solutions to the issues created by the new structure were few and promised even greater change. The National Park Service always had aggressively courted the public, but it had done so by providing visitor services. Asked to do more with less, most observers recognized that something would suffer. Even governmental reviews agencies saw the paradox of Kennedy's transformation. In 1995, a General Accounting Office report on the national park system suggested that doing more with less had never yielded optimal results for the park system, calling into question the strategy that national circumstances forced on the agency. The National Park Service, the report recommended, should reduce services or seek more comprehensive partnerships with private entities.

The impact of the reorganization on Death Valley National Park was greater than at many other parks. Death Valley had always suffered from a lack of resources and from the National Park Service's inability to provide adequate staff, dollars, and material to meet the park's needs. The transfer to national park status in 1994 heaped new obligations atop existing ones, and the reorganization of 1995, which stripped Death Valley of its access to regional office expertise, followed directly on the heels of the national park proclamation. The kind of management partnerships that the National Park Service engaged in elsewhere, at the Presidio in San Francisco, at Tallgrass Prairie National Preserve in Kansas, and later at the Valle Grande in northern New Mexico, were not easily found in the desert. Death Valley had long been a version of Sisyphus's ordeal, except that at this park, when staff pushed the rock uphill, the hill rose higher, a

combination of the reorganization and the new lands that made the historical large hill into a mountain.

This situation confronted Superintendent J.T. Reynolds when he succeeded Richard H. Martin on Jan. 14, 2001. A thirty-year agency veteran with experience in almost every kind of national park setting, Reynolds had most recently served as deputy superintendent at the Grand Canyon. When he moved to Death Valley, he recognized the challenges he inherited. “I knew that this park needed some improvements,” he said. “The maintenance facility had been neglected and some of the rundown cultural resources needed a lot of care,” Reynolds reflected more than a year after his arrival. “I enjoy doing those sorts of things. That’s what got us to Death Valley.”

The park’s maintenance facility posed the first challenge. The National Park Service estimated a backlog of more than \$5 billion in maintenance needs existed, and no place was more decrepit than the Civilian Conservation Corps-era facilities at Death Valley. “When I came for my interview with [former Maintenance Chief] Jed Davis [in 1999],” Chief of Maintenance Wayne Badder remembered, “he said: ‘well, I’ll take you up to the shop. I’m ashamed of it, but this is your shop up here.’ So I went up there and looked at the shop and the ceilings were falling in, rat feces were everywhere, and it was just a complete and total mess. Every one of the buildings in this compound was like that, rat infested. We just [couldn’t] keep them out.”⁵ The work facilities were a disgrace, out of date, without air conditioning, and barely useable. In the oddest of fashions, the park’s maintenance backlog, the single need weighing down Death Valley and most of the national park system, began in the park’s maintenance shop.

⁵ Wayne Badder, Interview by Hal K. Rothman, July 29, 2002.

The idea of redoing the maintenance shop was almost twenty years old by the beginning of the twenty-first century, but a continued lack of funding had stymied the proposals. Superintendent Edwin Rothfuss first programmed reconstruction of park facilities in the 1980s, but the maintenance facility awaited Superintendent Martin, who arrived in 1995. As was typical at Death Valley, the project did not find its way to the regional priority list, and it languished. When Reynolds arrived, he found that the park had undertaken some preliminary work, but Death Valley's budget was short of the funds necessary to complete the project. "The estimate on the maintenance facility was low," remembered Reynolds. "It was a class C old estimate and it was not going to cover what really needed to be done."

The park identified the actual cost of the project, including the premium that contractors typically charged for working at Death Valley; in some cases, that amounted to 30 percent of the total cost. Inflation added even more, necessitating a presentation to the Development Advisory Board (DAB), which oversaw capital expenditures. "We were a little over \$2 million short," Reynolds said, shaking his head as he described the difference in the cost of the two estimates. "Utilizing photographs that I'd asked the staff to take of dilapidated, deplorable, third-world conditions, I wanted them to get a true sense of what was going on and [the consequences of] temperatures of 110 Fahrenheit in a maintenance facility." Eventually Death Valley received the additional funding, in part because of the DAB presentation but also because its compliance documents were complete. The park's ability to show its needs paid off. On October 1, 2001, Death Valley began a two-year, \$5 million project to overhaul the Cow Creek Maintenance

Complex. By 2003, Phase I and II were complete. As part of the overhaul, workers had converted the old auto shop into a carpentry shop.⁶

Continuing efforts to develop park facilities included a Development Concept Plan for Grapevine that was under way early in the new century. Under its auspices, the park would redesign the decrepit ranger station at Grapevine as an information office. Exhibits, brochures, and possibly computers, telephone, and other audio messages would provide information on a 24-hour basis. No ranger would man the station. The proposal also called for replacing employee trailer housing and eliminating temporary facilities. Some National Park Service and concessionaire employees residing at Scotty's Castle would relocate to Grapevine, and a small community building and recreation facilities would provide them semblance of a community. The plan proposed relocating some maintenance functions from Scotty's Castle, with the museum-quality items stored in various buildings at the castle moved into a climate-controlled structure at Grapevine to ensure their preservation, if appropriate space could not be found at the castle. However, the water and electric power situation placed severe limitations on development of housing and maintenance areas at Grapevine. The National Park Service planned further studies to determine if it could use water from the area without affecting natural resources.⁷ As of 2004, the park had not yet implemented the plan.

Death Valley's budget reflected the difficulties that characterized the park's history. In 1981, the park's base budget was \$2,175,200, with a total of \$3,804,051 available to obligate as a result of soft money funding for special projects. The base

⁶ Edwin Rothfuss interview, Hal Rothman, Aug. 6, 2002; J.T. Reynolds interview, July 25, 2002; Architectural Resources Group, "Historic Structure Report prepared for Cow Creek Historic District, Death Valley National Park, February 2000, 1-3, Death Valley Archives, 8374; Death Valley National Park Annual Report, 2001, 32, TIC 143/D-220.

⁷ *Death Valley Management Plan*, April 2002 (Death Valley: National Park Service, 2002), 58.

budget grew slowly throughout the 1980s and the amount of soft money fluctuated greatly. It became difficult for the park to determine how to deploy resources. The base budget did not adequately cover operations, and each year, Death Valley had to compete for project funding. An ongoing struggle over attainable objectives resulted, another example of the terrible difficulties existing at Death Valley. In the early to mid-1980s, when the national economy still wavered, base budget increases were minimal. In FY 1985, the base climbed to \$2,719,490, with a total budget of \$4,664,005. Yet, the National Park Service designated most additional money for one-year projects, limiting the park's ability to address long-term patterns of neglect.⁸

The pattern was clear. Death Valley would have to fulfill more of its obligations by competing for money from agency-wide pools rather than being able to secure major increases in the base budget. This led to a condition that park staff described as a perennial annual budget shortfall. Each year, the increase in base budget both failed to cover the growing cost of agency operations and failed to make up for historic shortfalls. Death Valley had to devise other strategies to meet everything from statutory obligations to the cost of staff. In some cases, the volunteers-in-the-park (VIP) system could offset the lack of permanent staff. More often, economic circumstances compelled the park to cannibalize staff positions, taking base budget money designated for positions, moving it to an immediate need that could not be funded in any other manner, and then finding year-to-year money to fill the slot on the staff. The park might receive a 3 percent increase on paper, but be told to reallocate the money within the existing budget. When Death Valley received money to fill a vacant position or to add a new one, it found that

⁸ Superintendent's Annual Report, Death Valley National Park, FY 1982, 42; Annual Report, Death Valley National Park, FY 1983, Appendix 1, 2; Superintendent's Annual Report, Death Valley National Park, FY 1985, 23

the only alternative might be to apply the money to other objectives, leave the position vacant or fill it with one-year money and hope for the best the following year.⁹

The advent of the Recreation Fee Demonstration program in 1996 offered one kind of solution. The National Park Service had charged fees at national parks almost since its inception, but until 1996, the revenue collected went to the U.S. Treasury. The government returned only part of it, around 20 percent, to the individual parks. There had been a number of attempts to direct entrance fees back to the parks, the most prominent in the 1980s, when the Reagan administration sought to use entrance fee money to decrease the base budgets of parks. The 1996 legislation permitted parks to keep 80 percent of the revenues they generated from entrance fees, with the remaining 20 percent earmarked for parks that did not charge entrance fees.¹⁰ For Death Valley, “Fee Demo,” as the program soon was labeled, offered both enormous possibilities and dangers.

In one respect, the program was a remarkable boon to the desert park. It functioned as a revolving fund, not limited to any specific fiscal year, and when park leaders added base budget money for a project, they could shift the Fee Demo resources to another project. In fiscal year 2001, the park netted \$1.2 million from the Fee Demo program, a stunning sum that let the park accomplish a range of projects and retain personnel in a number of areas. “We have gotten projects done we could never get done” without Fee Demo money, park budget officer Toni Moran indicated. In 2001, such projects included rehabilitation of historic structures at Texas Springs, the wagons at Harmony Borax and the exterior of a ranger station at Emigrant Spring, work on a visitor

⁹ Toni Moran, interview by Hal Rothman, July 29, 2002.

¹⁰ Barry Mackintosh, *Visitor Fees in the National Park System: A Legislative and Administrative History* (Washington, D.C.: Government Printing Office, 1983), 72-80; U.S. Statutes at Large PL 104-134 16 U.S. Code 4601-6a; Moran interview, July 29, 2002.

center at Badwater, Phase II of the heating, ventilation and air conditioning system for Scotty's Castle, mitigation of abandoned mining lands, and the design of new signage for the park. The change in status from national monument to national park in 1994 not only required a change in nomenclature, but the addition of new lands put many of the old boundary signs well inside park boundaries. Death Valley had installed temporary signs at the new boundaries, but park managers could not find funds for signage until Fee Demo money solved the problem. When the signs were in place in 2003, they were both beautiful and informative, stylized to mirror the colors and visual experience of the expanded park. The new signs were a tremendous improvement, an exclamation point to every visitor that Death Valley was a national park.¹¹ With such development because of Fee Demo, it was hard to recognize any pitfalls.

By 2001, the park had begun to face the conundrum that Fee Demo represented. Fee Demo was not a permanent program and the resources it offered encouraged the necessary but tricky process of transferring base budget obligations, hard money, to soft money that park personnel had to find on an annual basis. The process was most pronounced in personnel matters. "This park has survived for years on [position] vacancies," Moran noted, and Fee Demo seemed to promote that process. The fear remained that the advent of such a pool of money might prompt Congress to reduce the base budget of parks, to insist that Fee Demo support all park activities and not special projects above and beyond base budget. This fear mirrored the strategy of the Reagan administration's fee program in the 1980s, which outraged the public and left the National Park Service in perennial fear of a recycled version of the idea with an unfriendly administration in charge. Nor did Fee Demo let the park increase staff, as its

¹¹ Moran interview, July 29, 2002; Death Valley National Park Annual Report, 2001, 33.

terms did not permit the hiring of permanent employees. “It would be very frightening if [Fee Demo] became a reduction in our base [budget] because it’s limited in what we can do,” Moran concluded. “We can’t pay the superintendent’s salary with it.”¹²

With or without the Fee Demo program, the budget remained a major obstacle at Death Valley. Although in FY 2001 the base budget had grown to \$6,551,115 with an additional \$1.5 million in special money, the money could not meet all of the park’s statutory obligations and support programming, maintenance projects, and rehabilitation as well. Despite its enormous size, Death Valley’s base budget was roughly one-quarter of other major national parks. Nearby Sequoia National Park, with only 767,000 acres to manage compared to Death Valley’s 3,340,410 acres, received almost four times the amount of base budget. Even though Death Valley’s visitation remained far smaller than some parks with significantly larger budgets, it had more than equal compliance mandates on its land. Many of the National Park Service’s statutory management obligations resulted from the amount of land the agency managed rather than the number of visitors who arrived. At Death Valley National Park, the budget remained a major long-term impediment to park management.

Law enforcement remained a major issue for the new national park. With expanded land and no commensurate increase in staff, park managers found their protection resources spread even more thinly than before the 1994 shift in status. Changes in the nature of the crimes park rangers faced made their job even more difficult. Drug interdiction remained a priority obligation, a function of the growing methamphetamine plague that scoured the nation and Death Valley’s suitability for those needing complete

¹² Mackintosh, *Visitor Fees in the National Park System*, 72-75; Moran interview, July 29, 2002.

solitude to obscure the smell and toxicity of the makeshift labs in which this toxic product was manufactured.¹³

Drug manufacture was only one dimension of the problem. A bizarre but timely problem came to the fore in March 2000, when a Nevada Highway Patrol officer stopped an old BMW with three men inside on U.S 95 south of Beatty, Nevada. The driver fired on the officer and fled to the north, shooting at a Nye County, Nevada, sheriff's deputy who tried to stop the car in Beatty, and also firing at a California Highway Patrol officer who responded to the call after they entered Death Valley. Park rangers scrambled to meet the threat as the trio headed toward Furnace Creek, where about 3,000 visitors continued their leisurely activities. Park aircraft tracked the car, which turned off the main road onto a park tour road. Law enforcement officials from a number of agencies set up roadblocks at both ends of the road as the park's aircraft searched for the trio. The aerial scrutiny discovered that their car had become stuck in a saltpan, with the men abandoning it and heading west across Death Valley.¹⁴

As the men trekked into the wilderness area, far from other visitors or any park facilities, law enforcement determined that observation and confinement of the men was the best strategy. Supervisors sent more law enforcement personnel to the scene. Some remained near the abandoned car and watched the trio with spotting scopes. The park's airplane circled; a U.S. Army Black Hawk helicopter already in the park on an anti-drug mission dropped five protection rangers and three officers, led by park special agent Eric Inman, in front of the fleeing felons. The park airport served as incident command post. Soon a California Highway Patrol helicopter arrived and joined in the aerial surveillance.

¹³ Stephen Lyons, "Meth Invasion," *High Country News*, August 14, 2000.

The three men realized that they were surrounded. They dug a fortified foxhole and began shooting at the two aircraft. When the CHP helicopter passed directly over the bunker, two rounds hit it. Its main oil line burst, forcing it to land and endangering the two crewmen, who were within three-quarters of a mile of the bunker and vulnerable to the suspects' weapons. A Black Hawk helicopter with eight Inyo County SWAT team members on board rescued the two shaken but unharmed CHP crewmen. A helicopter from the San Bernardino County Sheriff's Office arrived and joined the aerial surveillance. The three suspects continued to shoot every time an aircraft passed and occasionally fired randomly. As the sun set, a stalemate existed.¹⁵

Night posed a problem, for law enforcement expected that the fugitives would try to use the cover of darkness to escape. Keeping the three men from reaching the populated Furnace Creek area was a priority. The combined law enforcement leadership decided to put the Inyo County SWAT team to the east of the bunker, and use a team of five Death Valley rangers, all trained and equipped for night operations, west of the bunker. Chief Ranger Dale Antonich's team was placed where they could support the Inyo County team and protect the downed CHP helicopter. A Kern County helicopter and a U.S. Customs jet – each with infrared observation equipment – flew to the park to aid in the surveillance, and other CHP units blocked park roads. Additional units were standing by, ready to move into Furnace Creek if the suspects escaped the net.¹⁶

At about 11 p.m., the three suspects began to move toward Furnace Creek. Antonich's team confronted them, and after a very short and tense standoff, they

¹⁴ Division of Ranger Activities, Washington Office, "National Park Service Morning Report, March 20, 2000."

¹⁵ Ibid.; Dale Antonich, interview by Hal K. Rothman, April 14, 2002.

¹⁶ Ibid.

surrendered with a shot being fired. The men were heavily armed. The rangers found five handguns and two rifles, all loaded. In the abandoned car, officers found several handguns and rifles, hundreds of rounds of ammunition, anti-government and anti-law enforcement literature, bomb-making manuals, and military operations manuals. One of the men was found to have a history of violence and sex crimes. A total of 113 law enforcement officers and rangers from ten local, state and federal agencies were involved in the incident, which came to closure without a single injury to law enforcement personnel or park visitors. The action represented a model response to a problem that seemed likely to loom larger in the new century.¹⁷

Other kinds of issues were equally surprising. Even though it was more than 100 miles from the Los Angeles basin, Death Valley National Park faced air quality issues. By early in the new century, the park had a sophisticated air quality monitoring system. As a Class II area in the federal air monitoring system, below the most restrictive Class I, Death Valley could be subjected to moderate increases in pollution without invoking federal statute. The park's program at Cow Creek monitored ozone and particulate matter, the bane of desert air. In 2002, there were plans to install wet and dry acid deposition monitoring. The park and the surrounding environment were in perpetual non-attainment for particulate matter, a common condition throughout the desert. The park committed itself to reducing the problem and sought help not only within the federal system, but from its partners as well. In an effort to help in summer 2002, park concessioner Xanterra introduced twelve Ford Motor Company electric cars called

¹⁷ Division of Ranger Activities, Washington Office, "National Park Service Morning Report, March 20, 2000."

THINK for use at Furnace Creek. A small but symbolic innovation, the introduction of the fleet accentuated the importance of air quality.¹⁸

Wilderness presented another kind of challenge, a potential drain on the park's limited personnel and resources. Finally authorized in the California Desert Protection Act in 1994, Death Valley's wilderness area included 3,253,028 acres, more than 95 percent of the park. Death Valley supervisors responded with planning measures, but in a typical reflection of its history, they lacked the resources to implement the plan. Early in 1995, the park appointed two wilderness coordinators, and in the following year, they proposed an action plan to initiate a wilderness program. A wilderness and backcountry management plan was the first step. Death Valley National Park staff assembled a planning team and preliminary work began. In the late 1990s, the process progressed no further as the park searched for funds for the task and redirected its energy toward its new general management plan (GMP). The GMP presented a broad outline for wilderness management, committing the park to the "maximum statutory protection allowed," and affirmed Death Valley's commitment to develop a wilderness and backcountry management plan. The park simultaneously pursued the wilderness and backcountry management plans, in 2001 holding eight planning meetings, developing a draft outline and draft scoping workbook, and seeking funding for a wilderness monitoring program and for the complete plan.¹⁹ Wilderness remained a crucial component of the park; finding the resources to establish a management plan and then to implement it remained a challenge.

¹⁸ *General Management Plan*, 2002, 18-19; Joseph Siano, "Parks Take Steps to Clean Air," *The New York Times*, August 25, 2002.

¹⁹ Death Valley National Park Annual Report, 2001, 28; *Death Valley General Management Plan, Inyo and San Bernardino Counties, California, and Esmerelda and Nye Counties, Nevada*, April 2002, 62-64.

Prior human use of the desert further complicated the issue of designated wilderness. The Mining Act of 1872 governed most public land claims, and its notoriously lax provisions allowed great leeway for prospective operators. In essence, anyone could simply make a claim and have nearly perpetual rights to a tract of land. Claimants could leave such lands for a long time and still be able to recover their claim. The National Park Service had been able to dispense with many claims inside national monument boundaries through the Mining in the Parks Act and the Abandoned Mining Lands (AML) program, but the program was limited to lands under National Park Service jurisdiction. The new area, with many acres formerly BLM land, contained many claims, most unpatented, and many fell within the boundaries of the designated wilderness. Some of these potentially posed severe management problems for Death Valley.

The transition in management added another dimension to the issue. During summer 1994, the Bureau of Land Management approved a permit for talc mining operation for Edward and Carol Baumunk and their partner, A. J. Jackson. The trio held a claim for the Rainbow Talc Mine, which they operated intermittently between 1952 and 1972. The request and the approval were hardly unusual. Despite a generation of complaints about the terms of the 1872 law, no superseding legislation had been introduced in Congress, much less passed. Even had the BLM sought to terminate such a claim, existing law gave that agency few options.²⁰

Passage of the California Desert Protection Act later that year included the mining claim in a designated wilderness in a national park, creating a conundrum that simultaneously bound the National Park Service and at the same time confounded the

²⁰ Mitch Tobin, "Mining the Crown Jewels," *High Country News*, August 17, 1998; Stephanie Simon, "Dust Up Over Death Valley Talc," *Seattle Times*

claimants. By its designation, wilderness was not supposed to have human influence. Rainbow Talc was a preexisting use with legitimate standing that the National Park Service could only hope to thwart. The change to wilderness status did not abrogate the partners' rights; it merely meant that operators had to conform to the more stringent National Park Service mining regulations. The agency had no legitimate legal way to stop the permit; it could only apply its regulations to the claim. If approved, the mine would have been the first inside a designated wilderness in a national park area. Almost a generation after the Mining in the Park Act of 1976, the new Death Valley National Park faced its most invidious threat: the prospect of a new mining operation inside its boundaries.

Proponents swiftly articulated their position. "We've put our sweat and blood in this for 50 years," Jackson hyperbolically remarked about the mine, and the anti-government forces prevalent in the era of the "Contract with America" Congress found a cause celebre. They worked to cast the situation as an example of big government picking on the little guy, and the age of the protagonists helped fuel this image. "We're no spring chickens," seventy-nine-year-old Edward Baumunk told reporters, and the eighty-one year-old Jackson provided sympathetic figures for pent-up animosity against federal agencies and government in general. Couched in the property rights language of the 1990s, characteristic of the anti-government hostility that had become common in the West, the Rainbow Talc Mine posed an insidious threat to Death Valley on more than one level.²¹

The opponents of the mine were numerous as well. "We've got piles of comments," Superintendent Richard Martin told reporters. Some organizations suggested

strategies to influence decision makers. The California Wilderness Coalition asked its members to “pressure the NPS to do their job.” The organization believed that the National Park Service had not undertaken appropriate compliance work, typically an Environmental Impact Statement (EIS) or in cases of lesser impact, an Environmental Assessment (EA). Others challenged the National Park Service’s record of protection of its parks, and a number of people tried to persuade their congressional representatives to retroactively change the offending 1872 Mining Act. A few even suggested that the claim was resuscitated in an attempt to compel the federal government to buy it out for an extravagant price.²²

Resolution was difficult to find. The National Park Service was restricted to “willing seller” purchases of inholdings, and the Baumunks were willing sellers. However, the National Park Service lacked the funds to purchase the claim. Kathy A. Davis, supervisor of the First District of San Bernardino County and a member of the Death Valley Advisory Commission, suggested an alternative. She believed a “cherry stem,” a thin corridor that would include the mine and its approach road, an alternative eschewed in the 1999 *Draft General Management Plan*, was a possible solution. “We disagree that proposing a cherry-stem through wilderness to the Rainbow Talc Mine would overcome the controversy surrounding this potential mine development,” Superintendent Martin responded. The issue was larger – definitive not only for Death Valley National Park, but also for the National Park Service. Purchase remained the best

²¹ Simon, “Dust Up Over Death Valley Talc,”

²² Helen Wagonvoord, “Mine Threatens Death Valley,” *Wilderness Record*, October 1997.

option and rather than allow the first mining operation in a National Park Service area, “instead, we bought it,” recalled one park staff member.²³

In many ways, the Rainbow Talc Mine controversy illustrated an ongoing theme in the New West. The end of the regional extractive economy had come in a hurry, and by the mid-1990s, its replacement by recreation and tourism was almost complete. By 1994, only a handful of counties in the interior West made even 40 percent of their livelihood from extractive industries. Yet, the legal mechanisms of U.S. society favored this anachronistic form of production. Even years after resolution of the Rainbow Talc situation, some public officials in desert California still clung to the vision of an extractive economy. In 2003, Supervisor Bill Postmus of San Bernardino County told the U.S. Congress that the sale of Rainbow Talc Mine to the National Park Service prevented economic development in his district. “Sadly, it was a mine that could have generated income, property taxes, and employment,” Postmus insisted with more faith than reason. “Instead, the agency spent public money to prevent its development.”²⁴ No matter how far the New West had come, the Old West still clung to the images of the past.

Another issue that defined Death Valley National Park in the new century remained the ongoing question that dogged the park system since its inception: how to manage resources for present use as well as protect them for the future. The agency straddled that dichotomy since the day it was established. In some eras, parks leaned toward constituency management, which generally meant accommodation. Since 1978 and especially since the implementation of the Vail Agenda in 1991, the agency had

²³ Death Valley Draft General Management Plan; Kathy A. Davis to Richard Martin, January 12, 1999, Superintendent’s Files, Death Valley National Park.

²⁴ Bill Postmus, “Statement of Supervisor Bill Postmus, First District of San Bernardino County Board of Supervisors, Before the Subcommittee on National Parks, Recreation & Public Lands of the House Committee on

shifted to err on the side of resource protection. Even after Vail, Death Valley had what Superintendent Reynolds referred to as “plural missions.”²⁵

Especially after the creation of a wilderness area inside Death Valley National Park, the protection-access question loomed larger. The growth of Las Vegas and Pahrump, Nevada, and the expansion of the Los Angeles Basin’s population into the eastern Sierra made Death Valley more accessible than ever before. Before the 1960s, the sheer difficulty of reaching the backcountry and the discomfort of staying there served as de facto protection for wilderness areas. Afterwards, remote location failed as a protective strategy. In some sense, everything became accessible. Even more, energized public constituencies for all kinds of outdoor use, especially off-highway vehicle users, loudly promoted their right to use technology to do essentially as they pleased. With more lands and essentially the same budget with which to manage them, Death Valley National Park faced a conundrum. “We’re not going to allow vehicles to run over Eureka Dunes, but they can still access a park that is 95 percent wilderness with over 600 miles of dirt four-wheel-drive roads,” insisted Reynolds in 2002. “Maybe not the way they used to, but you can still access it.”²⁶

The battle for access to Surprise Canyon served as an emblem of the nature of such controversy. The old road to Panamint City had been in use since the mining rush in the late nineteenth century. By the 1970s, it had become a route by which weekend desert recreational users reached the ruins of the old mining town at the top. A 1984 flash flood sunk the streambed as much as twenty feet in some places and entirely washed out the

Resources,” August 18, 2003; Patricia Limerick, William Riebsame, et. al., *Atlas of the New West* (New York: W. W. Norton, 1997).

²⁵ J.T. Reynolds interview, July 25, 2002.

²⁶ Ibid.

road, but the roadbed's absence served only to attract the attention of four-wheel drive enthusiasts. They saw in the water-swept bedrock the opportunity to exercise their dreams. Within a few years, four-wheel drive vehicles with battery-operated winches negotiated the streambed on a regular basis, using the winches to hoist vehicles straight up the waterfalls.²⁷

In 1994, the California Desert Protection Act redesignated the terrain that had been the off-roaders' playground. The legislation included the canyon's upper reach in Death Valley National Park, while the lower area remained under the jurisdiction of the Bureau of Land Management as part of a wilderness area. The new law left a sixty-foot-wide corridor around the road out of the wilderness, creating a "cherry stem" surrounded by wilderness in which off-roading continued. The off-roaders had become more enthusiastic after 1989, when a number of enthusiasts modified the streambed to accommodate off-road vehicles. By the time the National Park Service and BLM began to implement CDPA, off-roaders had become a fixture in the canyon. "There were times it was bumper to bumper up there," said Rocky Novak, one of the only real residents of the area. Afterwards, "the river was running mud for a month."²⁸

Conservation organizations recognized the threat to the area and sought to restrict off-roaders' access to it. Water officials recognized the potential for degradation of water quality, wildlife officials expressed concern about the destruction of habitat, and Surprise Canyon became an issue to watch in Southwestern environmental politics. The issue came to a head in May 2001, when the Tucson-based Center for Biological Diversity and other organizations filed a lawsuit charging that BLM had let the area fall below its

²⁷ Lee Romney, "Off-Roaders in Uphill Fight on Canyon," *Los Angeles Times*, June 23, 2003.

minimum standards. After BLM agreed to settle the case, the National Park Service closed the area to vehicles by installing a gate. The user community was livid. “When I saw that gate, I cried,” avid four-wheeler Marlin Czajkowski of Fresno said.²⁹ As late as 2003, the road remained closed, but efforts to open it had not subsided.

The Saline Valley provided another similar clash of values. A collection of three primary natural hot springs, collectively known as Warm Springs, began to attract attention a constituency after World War II. People came to enjoy the therapeutic effects of the warm water and by 1947, users, most probably by cattlemen or sheepherders who sought to catch the runoff, had constructed a small concrete tub at Lower Warm Spring. Increased use led to visible evidence of human impact, and a counter movement to clean up the area began in 1964. By 1965, a new and larger tub that allowed as many as a dozen people to soak at one time had been constructed. The pool attracted growing numbers of users and acquired many of the characteristics of a small tourist destination. In the end, an array of facilities, including two airstrips, made the lower pool comfortable for even the most finicky arrival.³⁰

About one-half mile above the lower spring lay Palm Spring, another source pool. Despite little cover from the wind and sun, Palm Spring grew in attractiveness because of its pristine condition, beautiful views, and the increasing crowdedness of the lower spring. By 1968, parties had built the first soaking pool there. Three miles above this spring lay the isolated Upper Warm Spring. Although the BLM fenced the area to prevent fouling by feral burros in the 1980s, no other facilities existed there. Its remote nature

²⁸ Linda Greene, interview by Hal Rothman, June 26, 2003; Romney, “Off-Roaders in Uphill Fight on Canyon.”

²⁹ Center for Biological Diversity, “BLM Closes Surprise Canyon to Off-Road Vehicles to Protect Rare Species, Wilderness Values, and Water Quality,” May 29, 2001; Romney, “Off-Roaders in Uphill Fight on Canyon.”

³⁰ Death Valley Management Plan, 2002, 39.

attracted a constituency that sought to avoid the commotion that increasingly characterized the lower two pools.³¹

A community formed around the springs. A loose collection of individuals regulated themselves in the vicinity of the springs, cared for the pools and their soaking tubs, and generally impressed a sense of order on the region. At the same time, they feared intervention by the National Park Service and other federal agencies. The coalition formed the Saline Valley Preservation Association to safeguard its interests.³² A struggle between individuals and institutions, so characteristic of the Old and New Wests, seemed ever present in the vicinity of Death Valley.

As had occurred throughout Death Valley's history, different constituencies sought to use the park's resources in their own way. In a manner that rarely occurred at Yosemite or Yellowstone, the public tolerated or advocated uses of Death Valley that it would not stand elsewhere in the national park system. Mining had been chief among them, a consequence the nature of the park's establishment, but even after mining was curtailed, pressures continued. It was as if segments of the public did not regard Death Valley as a national park; even worse, for a long time, higher levels of the National Park Service seemed to tacitly agree with such a critique. The consequences were apparent in budget and personnel shortfalls and even after national park status was attained, in the way the agency funded Death Valley. The result left a perennial dilemma for park managers. Not only did they have to manage Death Valley National Park with fewer resources than at other national park areas, they had to constantly fight to assure that the

³¹ Ibid, 40.

³² Ibid, 40.

rest of agency recognized the value of the park. Underpinning everything else Death Valley faced in the new century, its quest for respect as a park area continued.

Appendices

Significant Events

1849

Dec. 22-27: Gold seekers on their way to California enter what one of their members would call “Death Valley” upon their exit more than a month later.

1933

Feb. 11: President Herbert Hoover proclaimed Death Valley a 1.75 million acre National Monument.

March 16: Park Service named John R. White superintendent of Death Valley.

April: Sequoia National Park Assistant Superintendent D.J. Tobin installed signed and voluntary travel registers at the monument’s three main entrances: Furnace Creek Inn, Eichbaum Toll Road and Scotty’s Castle.

June 13: President Franklin Roosevelt signed law authorizing the application of mining laws to Death Valley. (48 Stat. 139; 16 USC 447)

October: Civilian Conservation Corps personnel (Companies 529 and 530) began to arrive at Death Valley.

1934

Winter: Superintendent John R. White issued Administrative Plan for Death Valley National Monument.

Dec. 22: Monument completed purchase of Eichbaum Toll Road.

1935

May: Summer camp at Wildrose developed, and Park Service staff starting moving operations there.

1937

December: Swimming pool at Cow Creek, designed for firefighting and irrigation as well as recreation, put into operation.

1938

April 14: Park Service removed Death Valley National Monument from the control of Sequoia National Park. Assistant Superintendent T. Raymond Goodwin put in charge of the separate entity.

1939

Monument began burro reduction program.

1942

May 15: Company 912 workers left Death Valley, ending the CCC program at Death Valley.

1952-1953

Furnace Creek Airport was updated and given “Intermediate Landing Field” status.

1952

Jan. 17: President Truman adds Devil’s Hole to Death Valley National Monument

1955-1956

National Park Service launched MISSION 66.

1959

March 23: Construction of Visitor Center at Death Valley National Monument began.

1960

Nov. 12: Dedication ceremony for Visitor Center and Museum. The Death Valley Hotel Company, a subsidiary of U.S. Borax and Chemical Corporation, donated 90 acres for the facility.

1963

May 13: Commercial power from California Edison replaced the generators used to provide electricity in Death Valley.

1969

Amfax Inc. purchased Furnace Creek Inn and Ranch from U.S. Borax and Chemical Company. Fred Harvey became a subsidiary of Amfax, and operated the facility.

1968-72

Oct. 10: Park Rangers and other law enforcement officers capture 26 members of the Charles Manson family at the Barker Ranch in the southern end of Death Valley.

1970

Monument purchased Scotty's Castle from the Gospel Foundation.

1971

Tenneco, later the American Borate Company, started mining borates in an open pit operation inside monument.

Jan. 5: Monument initiated fee collection at Sunset, Texas Springs, Furnace Creek and Stovepipe Wells campgrounds.

1973

Park Service began guided tours of Scotty's Castle.

1976

June 7: In the Cappaert decision, the U.S. Supreme Court unanimously affirmed the federal government's right to both surface and ground water at Devil's Hole, aiding rescue efforts of the Devil's Hole pupfish.

October: Congress passed the Mining in the Parks Act, which closed Death Valley to the filing of new mining claims and began to phase out mining in the monument.

1979

Because of the American Indian Religious Freedom Act (P.L. 95-341), Death Valley initiated a change in its relationship with Timbisha Shoshones. A genealogy of Death Valley Indians was prepared, and an ethnohistorical study of the band completed.

January: National Park Service purchased Stovepipe Wells Village, with Fred Harvey Inc., operating the village on a concessioner basis.

1980

April 2: *Draft Land Acquisition Plan for Death Valley* released for public comment.

November: Construction of a bikeway between Furnace Creek and Harmony Borax Works began.

December: *Developed Area Plan for Stovepipe Wells* approved.

1981

Jan. 18: Monument held dedication ceremony for restored Harmony Borax Works and new bikeway between Furnace Creek and Harmony Borax Works.

1983

Jan. 3: *Natural and Cultural Resource Management Plan/Environmental Impact Statement* approved.

U.S. government granted tribal status to Timbisha Shoshone.

Monument released *Natural and Cultural Resources Management Plan and Draft Environmental Impact Statement*.

1984

The United Nations Death Valley named Death Valley as part of the Mojave and Colorado Deserts Biosphere Preserve.

1986

April: Monument's three-year burro removal program that was funded by the National Park Service ended.

1988

Monument released *Draft General Management Plan and Draft Environmental Impact Statement*.

1989

April: *Death Valley National Monument General Management Plan* approved.

1990

April 5: *Interpretive Prospectus* approved.

September: *Statement for Management* approved.

1991

Title 16 Living History program initiated at Scotty's Castle, increasing interpretive services.

Park completed *Historic Furnishings Report, Scotty's Castle*.

April 13: Fire at Scotty's Castle destroyed Cook House.

September: Monument completed *Historic Structures Report, Scotty's Castle*.

1992

Management plan for Death Valley bighorn sheep issued for public review.

March 3: President Clinton signed legislation established Manzanar National Historic Site.

May 26: American and Russian scientists tested *Mars Rover* at Death Valley.

1994

Oct. 31: President Clinton signed the California Desert Protection Act, which redesignated Death Valley as a national park, enlarged it by 1.3 million acres and designated 95 percent of the lands as wilderness.

1995

Death Valley appointed two wilderness coordinators.

National Park Service Director Roger Kennedy implemented sweeping reorganization of the agency.

1996

Congress authorized Recreation Fee Demonstration program, which allowed national parks to retain 80 percent of entrance fees.

1998

Park released *Economic Impact Analysis: Northern and Eastern Mojave Planning Area*.

September: Park released *Death Valley National Park Draft Environmental Impact Statement/General Management Plan* for public review.

October: Public meetings seeking public comments on GMP held in southern California and southern Nevada.

1999

April: *Timbisha Shoshone Homeland* draft report released for review.

2000

September: Park released *Revised Death Valley National Park Draft Environmental Impact*

Statement/General Management Plan for public review.

Nov. 1: President Clinton signed the Timbisha Shoshone Homeland Act.

November: *Final Legislative Environmental Impact Statement, Timbisha Shoshone Homeland* released.

2001

June: Park released *Abbreviated Final Environmental Impact Statement/General Management Plan*

Oct. 1: Death Valley began \$5 million overhaul of the Cow Creek Maintenance Complex.

Significant Legislation

DEATH VALLEY NATIONAL MONUMENT—CALIFORNIA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A Proclamation

WHEREAS it appears that the public interest would be promoted by including certain lands known as Death Valley, in California, within a national monument for the preservation of the unusual features of scenic, scientific, and educational interest therein contained:

NOW, THEREFORE, I, HERBERT HOOVER, President of the United States of America, by virtue of the power in me vested by section 2 of the act of Congress entitled "AN ACT For the preservation of American antiquities," approved June 8, 1906 (34 Stat. 225), do proclaim and establish the Death Valley National Monument and that, subject to all valid existing rights, the area indicated on the diagram hereto annexed and forming a part hereof be, and the same is hereby, included within the said national monument.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of this monument as provided in the act of Congress entitled "AN ACT To establish a National Park Service, and for other purposes," approved August 25, 1916 (39 Stat. 535-536), and acts additional thereto or amendatory thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 11th day of February, in the year of our
[SEAL] Lord nineteen hundred and thirty-three, and of the Independence of
the United States of America the one hundred and fifty-seventh.

HERBERT HOOVER

By the President:

HENRY L. STIMSON

Secretary of State.

[No. 2028]

PROCLAMATION 2961

ADDITION OF DEVIL'S HOLE, NEVADA, TO DEATH VALLEY NATIONAL MONUMENT -
CALIFORNIA AND NEVADA

WHEREAS by Proclamation No. 2028 of February 11, 1933 (47 Stat. 2554), certain lands in California known as Death Valley were set aside and reserved as the Death Valley National Monument for the preservation of the unusual features of scenic, scientific, and educational interest therein contained; and by Proclamation No. 2228 of March 26, 1937 (50 Stat. 1823), the said monument was enlarged by adding thereto certain contiguous lands in California and Nevada; and

WHEREAS there is located outside the boundaries of the said monument but in the vicinity thereof a forty-acre tract of public land in Nevada containing a remarkable underground pool known as Devil's Hole; and

WHEREAS the said pool is a unique subsurface remnant of the prehistoric chain of lakes which in Pleistocene times formed the Death Valley Lake System, and is unusual among caverns in that it is a solution area in distinctly striated limestone, while also owing its formation in part to fault action; and

WHEREAS the geologic evidence that this subterranean pool is an integral part of the hydrographic history of the Death Valley region is further confirmed by the presence in this pool of a peculiar race of desert fish, and zoologists have demonstrated that this race of fish, which is found nowhere else in the world, evolved only after the gradual drying up of the Death Valley Lake System isolated this fish population from the original ancestral stock that in Pleistocene times was common to the entire region; and

WHEREAS the said pool is of such outstanding scientific importance that it should be given special protection, and such protection can be best afforded by making the said forty-acre tract containing the pool a part of the said monument;

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the act of June 8, 1906, 34 Stat. 225 (16 U.S.C. 431), do proclaim that, subject to the provisions of the act of Congress approved June 13, 1933, 48 Stat. 139 (16 U.S.C. 447), and to all valid existing rights, the following-described tract of land in Nevada is hereby added to and reserved as a part of the Death Valley National Monument, as a detached unit thereof:

CALIFORNIA DESERT PROTECTION ACT

(PUBLIC LAW 103-433)

Sections Relevant to Death Valley National Park

One Hundred Third Congress of the United States of America

AT THE SECOND SESSION

Begun and held at the City of Washington on Tuesday, the twenty-fifth day of January, one thousand nine hundred and ninety-four

An Act

To designate certain lands in the California Desert as wilderness, to establish the Death Valley and Joshua Tree National Parks, to establish the Mojave National Preserve, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 2. FINDINGS AND POLICY.

(a) The Congress finds and declares that--

(1) the federally owned desert lands of southern California constitute a public wildland resource of extraordinary and inestimable value for this and future generations;

(2) these desert wildlands display unique scenic, historical, archeological, environmental, ecological, wildlife, cultural, scientific, educational, and recreational values used and enjoyed by millions of Americans for hiking and camping, scientific study and scenic appreciation;

(3) the public land resources of the California desert now face and are increasingly threatened by adverse pressures which would impair, dilute, and destroy their public and natural values;

(4) the California desert, embracing wilderness lands, units of the National Park System, other Federal lands, State parks and other State lands, and private lands, constitutes a cohesive unit posing unique and difficult resource protection and management challenges;

(5) through designation of national monuments by Presidential proclamation, through enactment of general public land statutes (including section 601 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2743, 43 U.S.C. 1701 et seq.) and through interim administrative actions, the Federal Government has begun the process of appropriately providing for protection of the significant resources of the public lands in the California desert; and

(6) statutory land unit designations are needed to afford the full protection which the resources and public land values of the California desert merit.

(b) In order to secure for the American people of this and future generations an enduring heritage of wilderness, national parks, and public land values in the California desert, it is hereby declared to be the policy of the Congress that--

(1) appropriate public lands in the California desert shall be included within the National Park System and the National Wilderness Preservation System, in order to--

(A) preserve unrivaled scenic, geologic, and wildlife values associated with these unique natural landscapes;

(B) perpetuate in their natural state significant and diverse ecosystems of the California desert;

(C) protect and preserve historical and cultural values of the California desert associated with ancient Indian cultures, patterns of western exploration and settlement, and sites exemplifying the mining, ranching and railroading history of the Old West;

(D) provide opportunities for compatible outdoor public recreation, protect and interpret ecological and geological features and historic, paleontological, and archeological sites, maintain wilderness resource values, and promote public understanding and appreciation of the California desert; and

(E) retain and enhance opportunities for scientific research in undisturbed ecosystems.

TITLE III--DEATH VALLEY NATIONAL PARK

SEC. 301. FINDINGS.

The Congress hereby finds that—

(1) proclamations by Presidents Herbert Hoover in 1933 and Franklin Roosevelt in 1937 established and expanded the Death Valley National Monument for the preservation of the unusual features of scenic, scientific, and educational interest therein contained;

(2) Death Valley National Monument is today recognized as a major unit of the National Park System, having extraordinary values enjoyed by millions of visitors;

(3) the monument boundaries established in the 1930's exclude and thereby expose to incompatible development and inconsistent management, contiguous Federal lands of essential and superlative natural, ecological, geological, archeological, paleontological, cultural, historical and wilderness values;

(4) Death Valley National Monument should be substantially enlarged by the addition of all contiguous Federal lands of national park caliber and afforded full recognition and statutory protection as a National Park; and

(5) the wilderness within Death Valley should receive maximum statutory protection by designation pursuant to the Wilderness Act.

SEC. 302. ESTABLISHMENT OF DEATH VALLEY NATIONAL PARK.

There is hereby established the Death Valley National Park (hereinafter in this title referred to as the “park”) as generally depicted on twenty-three maps entitled “Death Valley National Park Boundary and Wilderness-Proposed”, numbered in the title one through twenty-three, and dated July 1993 or prior, which shall be on file and available for public inspection in the offices of the Superintendent of the park and the Director of the National Park Service, Department of the Interior.

The Death Valley National Monument is hereby abolished as such, the lands and interests therein are hereby incorporated within and made part of the new Death Valley National Park, and any funds available for purposes of the monument shall be available for purposes of the park.

TIMBISHA SHOSHONE HOMELAND ACT

(P.L. 106-423)

One Hundred Sixth Congress of the United States of America

AT THE SECOND SESSION

Begun and held at the City of Washington on Monday, the twenty-fourth day of January, two thousand

An Act To provide to the Timbisha Shoshone Tribe a permanent land base within its aboriginal homeland, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 2. FINDINGS.

Congress finds the following:

(1) Since time immemorial, the Timbisha Shoshone Tribe has lived in portions of California and Nevada. The Tribe's ancestral homeland includes the area that now comprises Death Valley National Park and other areas of California and Nevada now administered by the Bureau of Land Management.

(2) Since 1936, the Tribe has lived and governed the affairs of the Tribe on approximately 40 acres of land near Furnace Creek in the Park.

(3) The Tribe achieved Federal recognition in 1983 but does not have a land base within the Tribe's ancestral homeland.

(4) Since the Tribe commenced use and occupancy of the Furnace Creek area, the Tribe's membership has grown. Tribal members have a desire and need for housing, government and administrative facilities, cultural facilities, and sustainable economic development to provide decent, safe, and healthy conditions for themselves and their families.

(5) The interests of both the Tribe and the National Park Service would be enhanced by recognizing their coexistence on the same land and by establishing partnerships for compatible land uses and for the interpretation of the Tribe's history and culture for visitors to the Park.

(6) The interests of both the Tribe and the United States would be enhanced by the establishment of a land base for the Tribe and by further delineation of the rights and obligations of each with respect to the Furnace Creek area and to the Park as a whole.

SEC. 3. PURPOSES.

Consistent with the recommendations of the report required by section 705(b) of the California Desert Protection Act of 1994 (Public Law 103-433; 108 Stat. 4498), the purposes of this Act are—

(1) to provide in trust to the Tribe land on which the Tribe can live permanently and govern the Tribe's affairs in a modern community within the ancestral homeland of the Tribe outside and within the Park;

(2) to formally recognize the contributions by the Tribe to the history, culture, and ecology of the Park and surrounding area;

(3) to ensure that the resources within the Park are protected and enhanced by—

(A) cooperative activities within the Tribe's ancestral homeland; and

(B) partnerships between the Tribe and the National Park Service and partnerships involving the Bureau of Land Management;

(4) to ensure that such activities are not in derogation of the purposes and values

for which the Park was established;

(5) to provide opportunities for a richer visitor experience at the Park through direct interactions between visitors and the Tribe including guided tours, interpretation, and the establishment of a tribal museum and cultural center;

(6) to provide appropriate opportunities for economically viable and ecologically sustainable visitor-related development, by the Tribe within the Park, that is not in derogation of the purposes and values for which the Park was established; and

(7) to provide trust lands for the Tribe in 4 separate parcels of land that is now managed by the Bureau of Land Management and authorize the purchase of 2 parcels now held in private ownership to be taken into trust for the Tribe.

Death Valley Boundary Adjustments

1933

Feb. 11: President Herbert Hoover proclaimed Death Valley a 1.75 million acre National Monument. (47 State. 2554)

1935

Aug. 22: Congress passed special act allowing Albert Johnson to obtain title to the land on which Scotty's Castle had been build. Government sold the land at \$1.25 an acre.

1937

March 6: President Franklin Roosevelt added the Nevada triangle, containing 304,789 acres. Land included 195,000 acres in Nevada that was the geographical head of Death Valley, from Mount Magruder south, west of the California-Nevada state line, as well as an area around Jackass Springs and the entire west side of the Panamint Range from Wildrose Canyon to Wingate Pass. (Executive Proclamation 2228, 50 Stat. 1823)

Nov. 17: As a result of the Special Act of Congress of Aug. 22, 1935, the federal government issued patent for 1,529 acres of land that included Scott's Castle and lower ranch.

1940

Oct. 17: Congress passed act that granted permission for the exchange of lands on which Stovepipe Wells had been built. Legislation authorized exchange of the 80 acres legally described in the deed with the 80 acres in an adjoining section on which the structures were actually built.

1940s

Land associated with Scotty's Castle passed to the Gospel Foundation.

1952

Jan. 17: President Harry Truman added 40 acres in Nevada to protect Devil's Hole pupfish. (Presidential Proclamation 2961)

1954

Monument acquired 160-acre Thorndyke property in Wildrose Canyon, 80 acres at Hell's Gate, Hungary Bill's Ranch in Wildrose Canyon, and 160 acres at Saratoga Springs.

1957-58

Saratoga Springs awarded to the government.

1958-1959

President signed HR 10349, which authorized the exchange of 200 acres of Park Service property near the Furnace Creek Ranch for certain water rights and 400 acres of Death Valley Hotel Company property north of Furnace Creek.

1969

May 15: Joint agreements signed that allowed the Fred Harvey Inc. to acquire the Inn Tract of 160 acres and the Ranch Tract of 181 acres, along with water rights; the United States, acting through the Nature Conservancy, acquired 7,335 acres that included Harmony Borax, Eagle Borax and Mushroom Rock and water rights in the Furnace Creek area

1968-72

Government purchased 5,400 acres of U.S. Borax mining claims surrounding the Furnace Creek and Zabriskie Point area

1970

Gospel Foundation sold Scotty's Castle property to federal government for \$850,000

1979

Jan. 23: Federal government purchased Stovepipe Wells (80 acres) from Trevell Inc.

Superintendents



John Robert White
Feb. 3, 1933 to November 1937



Theodore Raymond Goodwin
November 1937 to March 1954



Fred W. Binnewies
April 1954 to February 1960



Granville B. Liles
February 1960 to August 1962

Death Valley National Monument



John J. Aubuchon
August 1962 to January 1966



John W. Stratton
January 1966 to September 1968

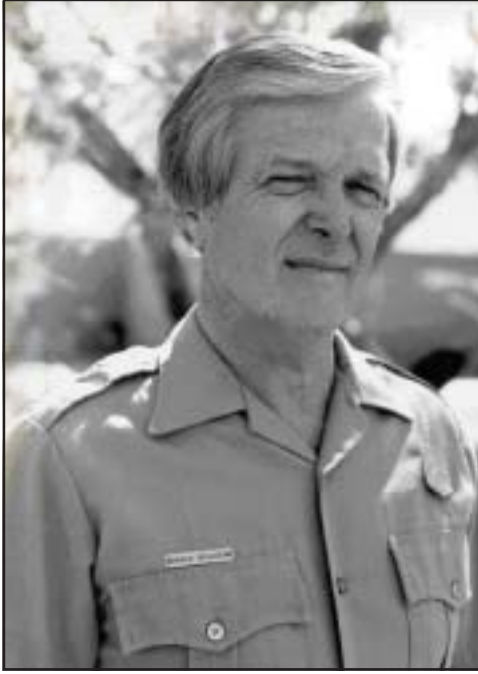


Robert W. Murphy
September 1968 to September 1972



James B. Thompson
September 1972 to April 1976

Death Valley National Monument



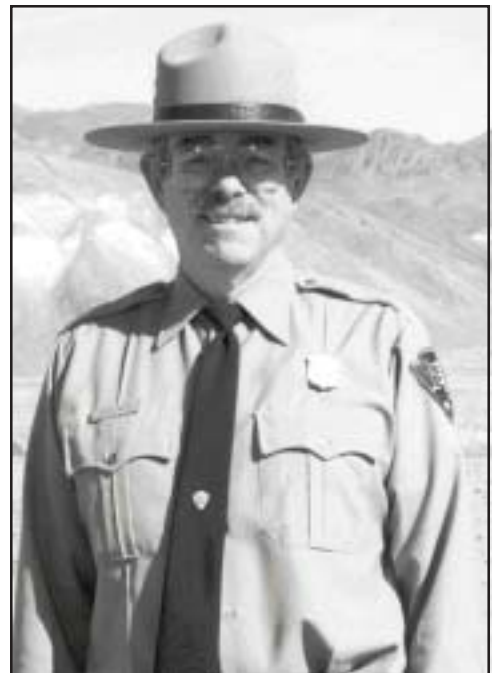
Donald M. Spalding
April 1976 to September 1978



George M. Von der Lippe
September 1978 to July 1972



Edwin L. Rothfuss
July 1972 to November 1994



Richard H. Martin
November 1994 to January 2001

Death Valley National Monument



J.T. Reynolds

January 2001 through January 2003

Death Valley Visitation

Year	Total Recreation Visits	Year	Total Recreation Visits
1933	9,970	1968	469,600
1934	19,678	1969	458,800
1935	42,061	1970	580,500
1936	40,815	1971	290,900
1937	48,874	1972	293,999
1938	58,320	1973	315,400
1939	61,301	1974	368,800
1940	80,842	1975	545,500
1941	100,829	1976	582,400
1942	44,755	1977	620,400
1943	14,374	1978	673,610
1944	13,661	1979	631,152
1945	31,112	1980	618,140
1946	100,976	1981	630,402
1947	161,953	1982	679,992
1948	162,150	1983	635,582
1949	208,557	1984	621,197
1950	189,045	1985	576,679
1951	219,520	1986	586,668
1952	296,106	1987	665,345
1953	338,899	1988	692,267
1954	337,900	1989	664,449
1955	342,200	1990	690,965
1956	300,100	1991	743,608
1957	333,400	1992	869,183
1958	334,300	1993	998,474
1959	335,700	1994	971,487
1960	355,900	1995	1,109,421
1961	397,900	1996	1,189,215
1962	363,400	1997	1,188,212
1963	408,100	1998	1,177,746
1964	403,600	1999	1,227,583
1965	453,000	2000	1,179,094
1966	437,800	2001	1,014,636
1967	476,700	2002	897,596

Death Valley Historic Properties

Death Valley sites listed in the National Register of Historic Places:

- Skidoo
- Harmony Borax Works
- Eagle Borax Works
- Saline Valley Salt Tram Historic Structure
- Leadfield
- Death Valley Scotty Historic District

Death Valley sites determined eligible for National Register of Historic Places listing:

- Residential, Administrative, Maintenance, and Visitor Use Facilities in Death Valley National Park built by the Civilian Conservation Corps: Camp Wildrose Historic District, Cow Creek Historic District, Emigrant Junction Comfort Station, Park Village Comfort Station, Texas Spring Campground Comfort Stations and stone picnic tables
- Original Bullfrog-Bullfrog West extension mine
- Homestake-King and Gold Bar mines and mills
- Las Vegas and Tonopah railroad grade
- Lee Historic District

Draft national register nomination forms prepared in connection with the *Historic Resource Study: A History of Mining*.

- Big Talc Mine
- Garibaldi Mine
- Gold Hill Mill
- Harrisburg Historic District
- Hungry Bill's Ranch Historic District
- Journigan's Mill
- Lemoigne Mine and Cabin
- Lost Burro Mine and Mill
- Panamint Treasure Mine
- Queen of Sheba Mine
- Wildrose Canyon Charcoal Kilns
- Chloride Cliff Historic District
- Echo Canyon Historic District
- Greenwater Historic District
- Keane Wonder Historic District

- Corduroy Road
- Furnace Creek Wash Historic District

Sites added to the national monument in 1994 that have prepared draft national register nomination forms:

- Barker Ranch
- Panamint City
- Gem Mine and Mill

Four draft national register nomination forms were prepared by the Timbisha Shoshone Tribe through a NPS Historic Preservation Grant:

- Mushroom Rock
- Ubehebe Crater
- Navel Spring
- "Tumpisa" District (Furnace Creek area)

Draft national register nomination forms for archeological districts in the national park that have been prepared include: Butte Valley, Mesquite Spring, Racetrack-Goldbelt, Ubehebe Crater, Upper Emigrant, Upper Panamint, Death Valley Salt Pan, Furnace Creek, Mesquite Flat, Grapevine Canyon, Ibex Spring, Keane Wonder Mine, Saratoga Springs, and Lower Vine Ranch.

The National Park Service is planning to prepare national register nomination forms for archeological districts such as Furnace Creek Wash, Saline Valley, and Eureka Valley.

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