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Archive for Sunday, February 08, 1998

Dust-Up Over Talc

By Stephanie Simon
February 08, 1998 *in print edition A-3*

It's so quiet out here you can almost hear the shadows tugging violet twilight over the desert dunes.

This is national parkland, a remote wedge of hushed mountains and sandy slopes, a place so cherished for its serenity that Congress has granted it the highest possible degree of protection by declaring it a wilderness area.

It's also the site of the Rainbow Talc Mine.

The mine is inactive now. But owners Carol and Edward Baumunk want to rev it up again. They own the rights to millions of tons of talc burrowed inside the sheltering mountains—talc in demand by manufacturers of ceramics and paint, paper and fine china.

The Baumunks want to begin extracting their talc. They have the legal right to do so, but the National Park Service has a legal duty to protect the wilderness where the mine so doggedly squats.

And so, a clash. And one with repercussions far beyond this lonely slice of San Bernardino County.

If the Baumunks win federal approval for their venture, the Rainbow would be the first mine ever permitted to operate in a national park wilderness area. The prospect has attracted attention from environmentalists and property rights activists nationwide.

"We've got piles of comments," said Richard Martin, superintendent of Death Valley National Park. "Not quite rooms full, but closets full."

Martin and his staff are reviewing those comments now. They will then decide among four options: permit the mine to open under specified conditions, deny it a permit, commission a detailed environmental impact report or seek federal money to buy out the Baumunks' claim.

Acquiring the mine would probably prove the most popular option. The Baumunks are willing to sell. The park service is eager to buy. The problem, as always, is coming up with the money.

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With no federal funds or private donations in view, neither side sees hope for a buyout any time soon. So the Baumunks are pushing to open the mine, impatient to start earning royalties from a claim they've held since the 1950s with their partner, Archie Jackson.

"We're not spring chickens," said Edward Baumunk, 79.

Several politicians from the counties of San Bernardino and neighboring Inyo support the Baumunks' plan. They view the talc mine as a potential source of good jobs—and plump tax revenue—in a region with little economic oomph. Given the mine's potential, Inyo County Supervisor Michael Dorame said, "I don't know how we could possibly justify standing still on the situation."

Despite such political prods to action, however, the park service has been deliberating on the case for a year and a half. The Baumunks can't understand what's taking so long.

After all, a federal mining law dating back to 1872 entitles owners of valid claims to extract and market valuable minerals, even in national parks. And the park service's own study proved the Baumunks' claims legitimate.

According to the study, the Rainbow mine—which operated sporadically from 1952 to 1972—contains nearly a million tons of talc, a pale, slightly greasy mineral that is extracted from deep mountain shafts using drills or dynamite. (The same study, completed in October 1996, estimated that the talc could be sold for a \$15-a-ton profit at the mouth of the mine, and for much more processed and delivered.)

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The 1872 law may look like the Baumunks’ trump card. But there’s a catch: While claim holders are allowed to use as much surface land as is “reasonably necessary” to get at their minerals, they’re subject to controls by the federal agency that manages the turf around their claim. That agency can order them to minimize impacts—or, if it deems mitigation impossible, can block mining indefinitely.

For years, the federal Bureau of Land Management managed the Rainbow region—and dismissed the area as “mundane,” “monotonous” and “common,” not worthy of high protection.

The bureau approved the Baumunks’ mining venture in the summer of 1994.

Permits in hand, the couple lined up a subcontractor to run the mine. The last step: post a \$1,900 bond to ensure that they would clean up the site when the talc was exhausted.

Before they could post the bond, however, Congress passed the California Desert Protection Act in October 1994. That law established Death Valley as a national park and extended its boundaries to stretch around the Rainbow mine. Suddenly, the Baumunks’ claim was subject to supervision by the National Park Service, which has a reputation for far stricter controls than the Bureau of Land Management.

As Sierra Club member Elden Hughes put it: “It didn’t become better land. It just became more protected land.”

Indeed, the Desert Protection Act declared the area around the Rainbow mine a treasure deserving the utmost protection. The region became a wilderness area. And that designation “put a whole different complexion” on the Rainbow case, said Ed Rothfuss, who served 12 years as Death Valley’s superintendent.

Active mines have been accepted for years in national parks, including several dozen in Death Valley. But mining in wilderness areas is another matter.

“It’s an oxymoron,” said Rothfuss, who now works for the Sierra Club. “It’s just not compatible.”

In arguing against the Baumunks’ proposal, environmentalists have set forth various concerns: Truck traffic might disturb the desert ecosystem. Blasting could drive nesting bats from the mine. The operation could be noisy, dusty and visible for miles, a blight on Death Valley’s stunning expanses.

Their central worry, however, is that permitting the Rainbow to reopen would set a precedent.

Mining claims dot wilderness areas in California’s Joshua Tree National Park and Mojave National Preserve, as well as in Cascades National Park in Washington.

One gold mine is already operating in the Mojave wilderness area, under a temporary permit granted when the property was under the Bureau of Land Management. The park service, which now controls that wilderness, is scheduled to review the bureau’s permit in March. Environmentalists fear that other applications for mining will follow, especially if the Rainbow is granted permission to open.

“Mining [in wilderness] is going to be increasingly an issue for park management,” said Helen Wagenvoord of the National Parks and Conservation Assn., an advocacy group. “We’re concerned about the precedent-setting nature of the Rainbow mine.”

Designed to preserve unspoiled slices of nature for the public, wilderness areas are among the most pampered of national parkland. Cars are not permitted. Neither are cabins. Visitors are not even allowed to fly overhead in a helicopter. The only legal way to glimpse the wilderness is to trek in on foot or ride horseback.

“It’s primeval nature,” Wagenvoord said. “You’re supposed to go there to experience the wilderness without any human intrusion.”

That’s the theory.

The reality is a bit more muddled, at least as it relates to the land around the Rainbow mine.

The region does boast a startling, improbable beauty. The ridgelines, catching passing shadows, look almost like faces, alive with expression. In winter, purple pompoms and yellow sunbursts of wildflowers beckon from each rocky crag.

Yet human-made scars are obvious here in this southeasternmost pocket of Death Valley, 33 miles northwest of Baker and an hour and a half’s drive south of Furnace Creek.

Hikers can commune with splendid sand dunes, yes, but to do so, they’ll have to overlook the three-story wooden chutes built in the 1950s to dump talc into transport trucks. If visitors gaze toward Saratoga Spring, the view is almost prehistoric—just what wilderness should be. But if they turn around, they can walk right into the Rainbow’s main mine shaft, past two crumpled Pepsi cans.

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What’s more, though profound silence is supposed to be one of the chief attractions here, noise from the bombing range at Ft. Irwin clangs through the peace now and then. At night, the eastern horizon glows with the gaudy sheen of far-off Las Vegas.

With all these intrusions, Rep. Jerry Lewis (R-Redlands) contends that the Rainbow mine should not have been included in a national park, much less hailed as a wilderness area. He blamed an imprecise map-maker for errantly sweeping the Rainbow into protected territory. “When you draw lines using a large felt pen,” he said, “you end up including ... extra miles.”

Lewis, who fought the Desert Protection Act, insists it’s not too late to ask for a boundary revision. But even he is skeptical that his colleagues in Congress will want to reopen such a contentious issue.

And so the Baumunks have focused their lobbying efforts on the park service. They send letter after plaintive letter to Death Valley rangers. And then they wait, hoping for the day when royalties from the Rainbow Talc Mine will once again start flowing their way.

“We’re environmentalists in our own right,” Carol Baumunk said. “But we think you ought to be able to use what you have.”

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A Mine Inside The Lines

When Congress created Death Valley National Park in 1994, the Rainbow Talc Mine was included within the park’s expanded boundaries. The owners are seeking park service permission to reopen the mine, which would make Rainbow the first active mine ever inside a national park wilderness area.

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