



VIA U.S. MAIL AND FACSIMILE TRANSMISSION

Mr. Kenneth Salazar
Secretary of the Interior
1849 C Street, NW
Washington, D.C. 20240
Fax: 202-208-6956

RE: Petition for Rulemaking Governing Hunting in the Mojave National Preserve, California, June 20, 2002

Dear Mr. Secretary:

On June 20, 2002, the Center For Biological Diversity (CBD) and Public Employees for Environmental Responsibility (PEER) petitioned former Secretary Gale Norton to promulgate a Federal regulation at 36 Code of Federal Regulations (CFR) Title 36, to govern recreational hunting in the Mojave National Preserve, California. We filed the petition under the provisions of the Administrative Procedures Act (5 U.S.C. § 553(e)) and Department of the Interior regulations at 43 CFR Part 14.

The National Park Service (NPS) administers the Mojave National Preserve under the provisions of the California Desert Protection Act of 1994 and the Organic Act of August 25, 1916. The petition asked that the NPS adopt the hunting rules very similar to those promised in the 2001 General Management Plan (GMP) for the Preserve. Specifically, the Petition (attached hereto as Exhibit A) seeks to limit hunting to “upland game birds and big game during the seasons designated for these species by the California Department Fish and Game” and to end all small game hunting within the Preserve in order to protect the threatened desert tortoise. Petitioners cannot state strongly enough that we do not seek to halt the lawful and valuable recreational use of the Preserve for sport hunting. We petitioned only that such sport hunting be managed in a way consistent with the laws that govern the national park system and protect threatened species, and in discharge of the goals publicly adopted by the NPS through formal planning processes.

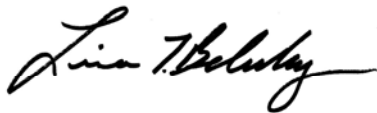
The Administrative Procedures Act (APA) requires that an agency must “conclude” a matter presented to it “within a reasonable time.” 5 U.S.C. § 555(b). If agency action is “unlawfully withheld or unreasonably delayed” a reviewing court is authorized to compel agency action. 5 U.S.C. § 706(1).

Mr. Secretary, next month, it will be seven years since the filing of our petition. The Department and the NPS have not responded, to either grant the petition by proposing a federal rule, or deny the petition. A compelling case exists that this inaction by Interior Department predecessors and subordinates constitutes an unlawful, unreasonable delay.

The NPS in September 2002 and, independently, the Petitioners in 2003 (joined by the National Parks Conservation Association, Sierra Club, Desert Tortoise Council, and Defenders of Wildlife), petitioned the State for a modification of hunting rules in the Preserve. All such efforts have been fruitless. After nearly seven years, the NPS can no longer justify its long delayed rulemaking by continued dependence upon State inaction.

We ask that you give a fresh look to our petition, consider its merits and implement the actions promised by the GMP, and that conform to the Management Policies of the NPS (2006). We attach the Petition of June 20, 2002 for your review (Exhibit A). We also attach a chronology of the critical events and correspondence (Exhibit B).

Sincerely,



Lisa T. Belenky, Senior Attorney
Center for Biological Diversity
351 California St., Suite 600
San Francisco, CA 94104
Phone: 415-436-9682 x 307
Fax: 415-436-9683
lbelenky@biologicaldiversity.org



Jeff Ruch, Executive Director
Public Employees for Environmental
Responsibility (PEER)
2000 P Street, NW; Suite 240
Washington, D.C. 20036
(v) (202) 265-7337
Fax (202) 265-4192

CC:
Dennis Schramm, Superintendent
Mojave National Preserve
760-221-6171 fax

Exhibits:

Exhibit A: June 20, 2002: In Re: Hunting in the Mojave National Preserve, California.
Petition for Rulemaking Governing Hunting in the Mojave National Preserve.

Exhibit B: CHRONOLOGY OF EVENTS AND CORRESPONDENCE
Prepared by PEER