



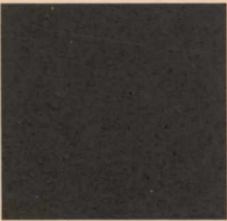
Abbreviated Final Environmental Impact Statement & General Management Plan



DEATH VALLEY

National Park

California and Nevada



This *Abbreviated Final Environmental Impact Statement / General Management Plan* provides minor factual corrections, additions, revisions to the *Revised Draft Environmental Impact Statement / General Management Plan*, dated July 2000. This document also responds to substantive comments received on the Revised Draft EIS during the public comment period. Only changes to the Revised Draft EIS and references to the page number where the change has occurred are provided. The reader must have access to a copy of the Revised Draft EIS in order to understand the changes provided.

The release of this *Final Environmental Impact Statement / General Management Plan* will be followed by a 30-day no-action period. If no substantive comments are received during that period, the alternative or actions constituting the approved plan will be documented in a "Record of Decision."

**Abbreviated Final
Environmental Impact Statement /
General Management Plan**

**Death Valley National Park
Inyo and San Bernardino Counties, California
Nye and Esmeralda Counties, Nevada**

Revisions to the Abstract Page:

Add the following as the second paragraph to the abstract page:

The *Revised Draft Environmental Impact Statement / General Management Plan* was on public review from September 6, 2000, to December 8, 2000. Eleven public meetings on the revised draft plan were held in southern California and in Nevada from October 27, 2000, to November 17, 2000. A total of 47 written comments were received. All substantive comments are addressed in this document. The abbreviated format for the final environmental impact statement and general management plan has been used because the changes to the revised draft plan are minor and confined primarily to factual corrections, which do not modify the analysis. Use of this format is in compliance with the 1969 National Environmental Policy Act regulations (40 CFR 1503.4[c]). This abbreviated format requires that the material in this document be integrated with the *Revised Draft Environmental Impact Statement / General Management Plan* to describe the final plan, its alternatives, all significant environmental impacts, and the public comments that have been received and evaluated.

Modify the beginning of the third paragraph as follows:

The NPS preferred alternative is also the environmentally preferred alternative. This adopts the proposed action (alternative 1). Alternative 1 seeks to extend the existing management strategies that are in place for the previous Death Valley National Monument, and the NPS mission and policies, to the management of the resources within the new lands added to the unit in 1994 by the California Desert Protection Act. This plan will apply the NPS mission and policies to the entire Park.

Add the following sentence to the third paragraph, second to last sentence:

These activity level plans developed under the general management plan are subject to further review as required by NEPA and in accordance with NPS *Management Policies*.

Replace the last paragraph with the following:

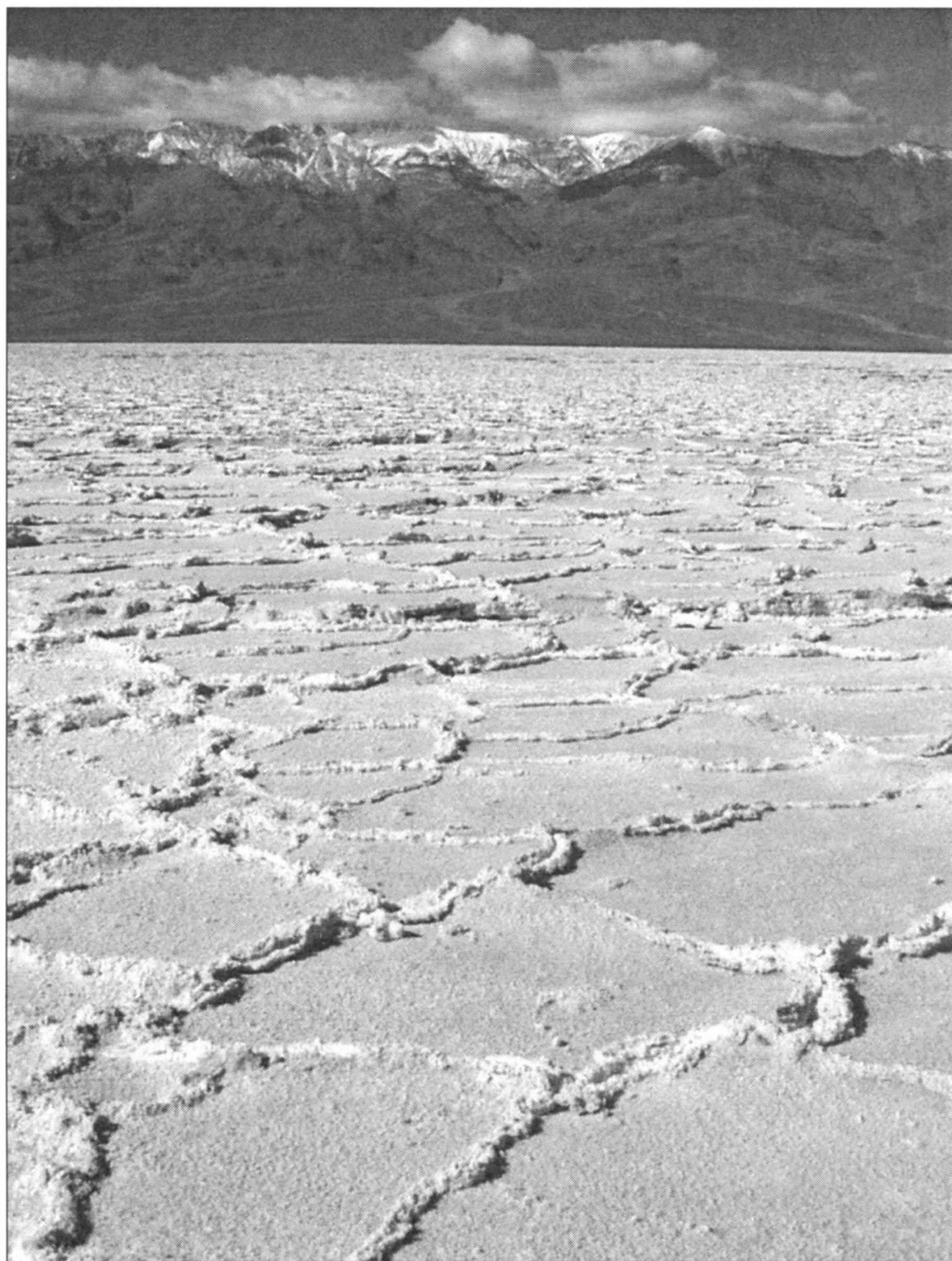
The release of this *Final Environmental Impact Statement / General Management Plan* will be followed by a 30-day no-action period: if no substantive comments are received during that period, the alternative or actions constituting the approved plan will be documented in a "Record of Decision."



CONTENTS

CORRECTIONS AND REVISIONS TO THE REVISED DRAFT ENVIRONMENTAL IMPACT STATEMENT / GENERAL MANAGEMENT PLAN	1
COMMENTS AND RESPONSES ON THE REVISED DRAFT ENVIRONMENTAL IMPACT STATEMENT / GENERAL MANAGEMENT PLAN	13
AGENCY COMMENTS RECEIVED ON THE JULY 2000 REVISED DRAFT ENVIRONMENTAL IMPACT STATEMENT AND GENERAL MANAGEMENT PLAN FOR DEATH VALLEY NATIONAL PARK	14
COMMENTS FROM INDIVIDUALS AND ORGANIZATIONS.....	50
APPENDIX A: LIST OF AGENCIES AND ORGANIZATIONS TO WHOM COPIES OF THE REVISED DRAFT ENVIRONMENTAL IMPACT STATEMENT AND GENERAL MANAGEMENT PLAN WERE SENT	80
APPENDIX B: LIST OF COMMENTERS ON THE REVISED DRAFT ENVIRONMENTAL IMPACT STATEMENT AND GENERAL MANAGEMENT PLAN, JULY 2000	89
APPENDIX C: LIST OF AGENCIES AND ORGANIZATIONS TO WHOM COPIES OF THE FINAL ENVIRONMENTAL IMPACT STATEMENT AND GENERAL MANAGEMENT PLAN WERE SENT	90
APPENDIX D: TIMBISHA SHOSHONE HOMELAND ACT (P.L. 106-423)	95
PREPARERS.....	103





CORRECTIONS AND REVISIONS TO THE REVISED DRAFT ENVIRONMENTAL IMPACT STATEMENT / GENERAL MANAGEMENT PLAN

The minor changes from the revised draft plan to the final plan are discussed in the following text. The page numbers refer to text in the revised draft plan, dated July 2000. Text that is to be removed from the revised draft plan appears as ~~strikeout~~. Text that is to be added appears as underlined. The changes identified below should be assumed to occur at their appropriate location in the Summary Tables on pages 3–25 of the revised draft plan.

Page 2, add the following after the last paragraph:

In July 2000, Death Valley National Park released its *Revised Draft Environmental Impact Statement and General Management Plan*. A notice of availability was published in the *Federal Register* by the Environmental Protection Agency on September 6, 2000 (FR 54062–54064). Public review occurred from September 6, 2000 through December 8, 2000. Eleven public meetings were held in October and November 2000 throughout the planning region of southern California and southern Nevada. At these meetings a form was provided for the public to write specific comments that they had on the revised draft plan. In addition, the Death Valley National Park Advisory Commission was briefed to obtain their feedback, concerns, and direction regarding revisions to the first draft general management plan.

Approximately 350 printed copies of the *Revised Draft Environmental Impact Statement / General Management Plan* were distributed for review. In addition, about 200 CD-ROMs containing both revised draft plans for Death Valley National Park and Mojave National Preserve were also sent. The revised draft plan was also posted on the internet with a link from the Park's homepage and the Northern and Eastern Mojave planning page.

Page 16, modify the last bullet in the first row of Table 1 as follows:

The Wilderness Act generally prohibits motorized equipment or mechanized transport in designated wilderness areas by administrative agencies; however, it allows them “as necessary to meet minimum requirements for the administration of the area for the purpose of this Act.”

Page 20, modify the third bullet in Table 2: Summary of Impacts, under Cultural Resources, Alternative 1 as follows:

The ~~draft~~ final LEIS for the Timbisha Shoshone Homeland proposal predicts significant advantages and improvements to the condition of cultural resources as a result of the creation of tribal homeland and the improvement in collaboration and cooperation between the Tribe, the National Park Service and the Bureau of Land Management.

Page 21, delete second bullet in Table 2: Summary of Impacts, under Impacts on Visitor Use, Services, and Facilities, Alternative 3

~~• The Chicken Strip airstrip would remain open for planes and would be so designated under 36CFR.~~

Page 42, add the following to the “Desired Future Conditions” section after “Natural Areas”:

Sensitive Resources and Habitat Types

The Park management will continue to protect, restore and enhance all habitat areas, especially those that are identified as sensitive or critical, per law and NPS policies. The level of detail regarding the biological function of habitat types and definition of desired future conditions will be developed within the framework of a parkwide resource management planning effort.

Page 49, insert the following statement as the first bullet under Planning Constraints and Mandates:

- NPS management policies (1.4.4) prescribe that impairment of park resources and values may not be allowed by the Service unless directly and specifically provided for by legislation or the proclamation establishing the park. The relevant legislation or proclamation must provide explicitly (not by implication or inference) for the activity, in terms that keep the Service from having the authority to manage the activity so as to avoid the impairment.

Page 53, insert the following as the last sentence under “Northern and Eastern Colorado Desert Coordinated Management Plan”:

The Bureau of Land Management released the *Northern and Eastern Colorado Draft Coordinated Management Plan and Environmental Impact Statement* for public review in the first week of March 2001.

Page 53, insert the following after “Northern and Eastern Colorado Desert Coordinated Management Plan” section:

NORTHERN AND EASTERN MOJAVE (NEMO) PLAN AMENDMENTS AND ENVIRONMENTAL IMPACT STATEMENT

The Bureau of Land Management (BLM) released the *Draft Northern and Eastern Mojave (NEMO) Plan Amendments and Environmental Impact Statement (EIS)* for public review and comment in April 2001. The planning area encompasses 2.4 million acres of BLM-managed public lands in the southeastern California desert.

The plan amendments address: (1) the adoption of standards of public land health with specific guidelines for livestock grazing; (2) the protection of threatened and endangered species, as well as species that may be considered for listing in the reasonably foreseeable future by evaluating the habitat requirements and necessary management actions for each such species; (3) multiple-use class of lands released from wilderness consideration and the changes necessary to conform the California Desert Conservation Area Plan to the California Desert Protection Act passed by Congress in 1994; (4) the adoption of an appropriate long-term strategy for motorized competitive speed events outside of Off-Highway-Vehicle open areas in the planning area; (5) the designation of routes of travel within the planning area; (6) elimination of permitted solid waste landfills from public lands in the planning area; and (7) the identification of rivers eligible for the National Wild and

Scenic Rivers System in the planning area. When completed, the plan will amend the BLM's 1980 *California Desert Conservation Area Plan*.

The Draft EIS identifies and describes the probable impacts to the resources and uses in the study area that would result from the proposed amendments to the *California Desert Conservation Area Plan*.

The plan also will provide for strategic, comprehensive management, including a programmatic biological opinion for the desert tortoise, provide for recovery of other threatened and endangered species, reduce the need for further species listings, and streamline the processing of land-use permits.

Comments on the Draft Plan and the adequacy of the EIS will be considered in preparing the Final Plan and EIS. Public meetings also will be held in various cities in and around the planning area to receive comments. The dates and times of these meetings will be announced later.

Page 53, replace the description of "Fort Irwin Proposed Expansion" with the following:

The Department of Defense and the Department of the Interior have agreed on proposed legislation to expand the National Training Center (NTC) at Fort Irwin, California. This legislation establishes a deliberative process designed to address national security needs and ensure full compliance with environmental laws.

Under the proposed legislation, the Secretaries of the Interior and the Army will prepare a joint plan for the expansion of the NTC. The plan will identify those lands necessary to meet the Army's training needs and will recommend conservation measures intended to promote the survival and recovery of the desert tortoise and other endangered or threatened species and their habitats in the West Mojave Desert. After review by the Director of the Fish and Wildlife Service to consider how it might be implemented consistent with the Endangered Species Act, the Secretaries will transmit the plan to the Congress and make it available to the public. Thereafter, the Secretaries will submit additional legislation that would withdraw and reserve the lands identified in the plan. The proposed legislation requires completion of consultation under the Endangered Species Act and National Environmental Policy Act within 24 and 30 months, respectively. Use of the land will be contingent on full compliance with the Endangered Species Act.

This legislative proposal is a culmination of discussions in which the Army modified its training land requirements in order to avoid use of Paradise Valley, the most sensitive desert tortoise habitat. Under this new concept, the Army would seek the use of about 131,000 more acres for maneuver, including approximately 21,000 acres of Fort Irwin lands that are not currently being used for training. The Army is confident that the additional acreage will permit a second brigade-sized maneuver corridor and fully meet the critical training requirements of today's transforming Army.

This initiative is consistent with Fort Irwin's longstanding and exemplary record of environmental stewardship. By agreeing to preserve Paradise Valley and its critical habitat, the Departments will be able to take a fresh look at conservation measures that will have a widespread beneficial effect on the various species that live in the sensitive West Mojave Desert. Using a planning figure of \$75 million specified in the proposed legislation, the Departments will look at a variety of conservation measures, such as acquisition of private

and state lands; construction of barriers, fences, and other structures; and funding of research studies, to ensure compliance with the Endangered Species Act. Another proposal to be considered is the designation of more than 500 square kilometers as research natural areas in critical habitat located just south of Fort Irwin.

This legislative proposal is an important step forward in resolving an issue that the agencies have struggled with for 15 years. The Department of the Army is confident that this legislation will allow the Army to obtain the lands necessary to conduct realistic, high-tech training for military preparedness and preserve and protect lands that are critically important to the survival and recovery of endangered species.

Page 55, modify the first paragraph of the “Timbisha Shoshone Homeland” description as follows:

A legislative proposal to transfer lands to the Timbisha Shoshone Tribe for establishment of a permanent homeland within and adjacent to the Death Valley National Park is analyzed in a ~~draft~~ legislative environmental impact statement (LEIS) released for public review and comment.

Page 55, modify the first sentence in the second paragraph of the “Timbisha Shoshone Homeland” description as follows:

The ~~draft~~ LEIS analyzes possible environmental impacts resulting from the transfer of approximately 7,500 acres of federal lands and the potential purchase of another 2,550 acres from private owners.

Page 55, modify the third paragraph of the “Timbisha Shoshone Homeland” description as follows:

~~The land transfers and acquisitions, which require Congressional approval, along with other proposed cooperative activities between the Tribe and the Department of the Interior, are contained in pending legislation, S. 1012, introduced February 24, 2000. The Department of the Interior testified in support of the legislation in a recent hearing before the Senate Committee on Indian Affairs. In October 2000, the President signed legislation (P.L. 106-423) implementing the recommendations of the report.~~ The legislation implements a provision of the California Desert Protection Act, (Public Law 103-433) enacted by Congress in 1994, which directed the Secretary of the Interior to conduct a study to identify lands suitable for a reservation for the Timbisha Shoshone Tribe. NPS, BLM, the Bureau of Indian Affairs, the Bureau of Reclamation, and the U.S. Fish and Wildlife Service cooperated in preparation of the study and this LEIS, required by the National Environmental Policy Act.

Page 56, modify the list of future planning efforts as follows:

- inventorying and monitoring plan*
- natural and cultural resource management plan updates* (This plan will cover the entire Park, rather than just the newly acquired areas).

Page 59, modify description of alternative 1 as follows:

Alternative 1, which is the agency preferred alternative and environmentally preferred alternative, presents the **proposed general management plan strategy** for the Park.

Page 60, add the following to the section title:

ALTERNATIVE 1: PROPOSED GENERAL MANAGEMENT PLAN (AGENCY
PREFERRED ALTERNATIVE AND ENVIRONMENTALLY PREFERRED
ALTERNATIVE)

Page 66, modify the bulleted list regarding federal reserved water rights as follows:

- where necessary, pursue acquisition of any existing nonfederal appropriated water right within their respective jurisdictions.
- identify as a federally reserved water right all unappropriated water from any water source identified on federal lands within the boundaries of designated wilderness and/or park areas in the California desert.

Page 66, modify the “Water Developments” section as follows:

Requests to use motorized access to guzzlers in wilderness areas (to maintain guzzlers or replenish water) would be reviewed individually. If livestock use, including water use, degrades wilderness values, the number of livestock would be reduced to the appropriate level.

Page 73, modify the last paragraph as follows:

The ~~proposed~~ legislation ~~will~~ affirms that the continued presence of the Tribe in the Park and in other parts of its ancestral homeland benefits the Park, the Tribe, and the American people. In October 2000, the President signed legislation (P.L. 106-423) implementing the recommendations of the report.

Page 74, modify the first paragraph as follows:

The potential impacts of the land transfer are analyzed in the ~~Draft~~ Final Legislative Environmental Impact Statement, Timbisha Shoshone Homeland (2000). Any development or resource use activities will be part of future planning efforts and will be subject to appropriate National Environmental Policy Act compliance and public review.

Page 78, modify the bulleted list under “Day Use Areas” as follows:

- ~~Inyo Mine~~, Lost Burro Mine

Page 88, modify the “Mineral Development Activities” section as follows:

The Park would administer mineral development activities under existing laws and regulations applicable to such activities. This action is ~~the same as the existing management alternative~~ a combination of alternatives 2 and 3. Please refer to ~~that~~ alternatives 2 and 3 for a complete description.

Page 96, modify the first sentence under “Operational Costs” as follows:

The existing Park operating base in FY ~~00~~ 01 is ~~\$5.4~~ 6.8 million and existing staffing is ~~108~~ 118.

Page 97, modify “Table 3: Proposed Action Cost Summary” as follows:

Proposed Activity	Gross Construction Costs	Pre-Design Costs & Supplemental Services	Design Costs	Total Project Costs	Phase
Remove feral burros (approx. 400 animals @ \$1000/burro); fencing approx. 50 miles; census every 3–5 years @ \$40,000/census	N/A	N/A	N/A	\$400,000; \$1,800,000; \$40,000	I
Site improvements at multiple sites to protect resources (fences, boardwalks, wayside exhibits, vault toilets)	\$1,060,000	\$60,000	\$90,000	\$1,210,000	I
New wayside exhibits (total project cost)	N/A	N/A	N/A	\$200,000	I
Furnace Creek visitor center rehabilitation	\$4,720,000	\$280,000	\$400,000	\$5,400,000	I
Construct Develop office space in Beatty for 12–15 15–30 employees	\$350,000 N/A	\$25,000 N/A	\$35,000 N/A	\$410,000 \$100,000	I
New displays for information stations at Stovepipe/Beatty/Shoshone	\$175,000	\$10,000	\$15,000	\$200,000	I
Entrance stations & reception centers (displays, parking, kiosks, walkways) on east and west 190	N/A <u>\$1,000,000</u>	N/A <u>\$200,000</u>	N/A <u>\$200,000</u>	\$200,000 <u>\$1,400,000</u>	I
Campground redesign and improvements (Sunset, Furnace Creek, Texas)	\$944,000 <u>\$1,600,000</u>	\$56,000 <u>100,000</u>	\$80,000 <u>100,000</u>	\$1,080,000 <u>\$1,800,000</u>	I
Saline Valley Site Management Plan (planning and compliance)	N/A	N/A	N/A	\$200,000	I
Grapevine Development Concept Plan (housing, roads, community center, RV pads, maintenance and curation buildings, water/sewer system)	\$5,900,000	\$350,000	\$500,000	\$6,750,000	II
Scotty's Castle historic studies and landscape reports; development concept plan	N/A	N/A	N/A	\$500,000	I
Stovepipe Development Concept Plan (convert paved airstrip to gravel, redesign old campground, landscape)	\$472,000	\$28,000	\$40,000	\$540,000	I
Furnace Creek & Cow Creek Development Concept Plan (planning and compliance)	N/A	N/A	N/A	\$300,000	H
Wildrose Development Concept Plan (planning and compliance)	N/A	N/A	N/A	\$250,000	I
Backcountry campsite improvements (fire rings, tables)	\$130,000	\$8,000	\$11,000	\$149,000	II
Restoration of abandoned mine sites (estimated 300 sites at \$15,000 each)	\$5,310,000	\$315,000	\$450,000	\$6,075,000	III
TOTALS	<u>\$19,063,000</u> <u>\$20,367,000</u>	<u>\$1,132,000</u> <u>\$1,351,000</u>	<u>\$1,621,000</u> <u>\$1,806,000</u>	<u>\$25,704,000</u> <u>\$27,014,000</u>	

PHASES

- I 1–5 years
- II 6–10 years
- III spread evenly over 15 years

Page 106, add the following to the end of the first paragraph under “Mineral Development Activities”:

Proposed mining operations must meet the approval standards provided in the regulations and post a performance bond equivalent to the cost of reclamation before an operation would proceed. Regardless of the approach, if the proposed mineral operations could not be mitigated to meet NPS approval standards, the proposed plan would be denied. NPS policy

is to manage mineral interests and mining claims pursuant to NPS regulations at 36 CFR Part 9 until such time as the interests are extinguished. Where applicable, mineral development activities would be reviewed in accordance with applicable provisions of the Wilderness Act. NPS policy is to conduct a validity examination on unpatented mining claims in wilderness prior to approval of a plan of operation.

Page 108, modify the first sentence under “Plan Implementation” as follows:

The Park currently has about ~~408~~ 118 permanent employees and an operating budget of \$5.4 6.8 million.

Page 109, replace Table 4: Death Valley National Park Existing Staffing with the following:

Function	Existing Staffing
Park Management	3
Administration	12
Resource Mgmt.	21
Protection/Fee*	29
Maintenance	31
Interpretation**	22
Total	118

*Included in Protection/Fee are 12 for fee collection positions funded out of fee collection receipts

**12 interpretation positions for Scotty's Castle living history, are funded 100% out of interpretive tour receipts

Page 110, modify the first sentence of the second paragraph under “Mineral Development Activities” as follows:

The Park would also undertake, on a case-by-case basis, a sensitive resource analysis based on an objective analysis of physical, biological, cultural and visitor use values relative to projected mining impacts.

Page 112, modify the first sentence under “Operational Costs” as follows:

The existing Park operating base in FY ~~00~~ 01 is \$5.4 6.8 million and existing staffing is ~~408~~ 118.

Page 116, revise the last sentence of the second paragraph as follows:

~~The Briggs Mine transmits (via the Internet) its air quality data daily to the Great Basin Unified Air Pollution Control District. The Briggs Mine has two real time PM-10 monitors that collect data continuously. This data is reported to the Great Basin Unified Air Pollution Control District on a quarterly basis. This system is set up to allow the district to access the real time data via a modem.~~

Page 116, add the following to the end of the sixth paragraph (Night Sky):

The Bureau of Land Management has required an approved lighting plan that seeks to minimize night sky pollution from the mine.

Page 117, modify the fourth paragraph as follows:

In 1976, Death Valley National Monument and Edwards Air Force Base signed an agreement stating that pilots would be instructed to fly at least 3,000 feet above ground level while within the monument boundary. Jet pilots from the Navy, Marines, Air Force, and the National Guard, fly over 60,000 flights per year from Edwards. Occasionally pilots have erred or ignored flight restrictions and have flown in Death Valley below the 3,000-foot restriction. Upon receiving complaints from the public, the National Park Service will typically notify Edwards on the reported agreement violation. This policy will continue and will be considered for incorporation in any future NPS/military agreement. In 1976, the Joint Policy and Planning Board Commanders (NAVAIRWPNSTA China Lake, Edwards Air Force Base, Fort Erwin, and George Air Force Base) agreed to restrict overflights above the existing national monument boundaries to 3,000 feet above ground level within the R-2508 Complex. The successive creation of the Complex Memorandums of Agreement in 1977 excluded this airspace; however, the exclusion was not extended to the expanded areas under the designated areas below the 3,000-foot restriction. A process is in place for all complaints and reports of overflight restriction violations, forwarded by the National Park Service or the public, to be investigated and handled by the Complex management.

Page 121, add the following as the first sentence under “Biological Resources”:

The National Park Service will develop guidance for management and conservation of biotic resources at the appropriate time.

Page 123, modify the second sentence under “Aquatics” as follows:

Mosquito fish are also found at Furnace Creek and goldfish are found at China Garden Spring.

Page 167, add the following section on impairment to the “Environmental Consequences” section:

The National Park Service must consider the potential impacts of each alternative and the implications for impairment to the resources of Death Valley National Park. The Organic Act of 1916, which established the National Park Service, and its amendments state:

[The National Park Service] shall promote and regulate the use of the Federal areas known as national parks, monuments, and reservations hereinafter specified... by such means and measures as conform to the fundamental purpose of the said parks, monuments, and reservations, which purpose is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations. (16 USC 1)

NPS managers must always seek ways to avoid or minimize to the greatest degree possible adverse impacts on park resources and values. Through this law and the General Authorities Act, NPS managers have the discretion to allow impacts on park resources and values when necessary and appropriate to fulfill the purposes of a park, as long as the impact does not constitute impairment of the affected resources and values. Although Congress has given the

NPS management discretion to allow certain impacts within parks, that discretion is limited by the statutory requirement that the National Park Service must leave park resources and values unimpaired, unless a particular law directly and specifically provides otherwise.

The prohibited impairment is an impact that, in the professional judgement of the responsible NPS manager, would harm the integrity of park resources or values, including opportunities that otherwise would be present for the enjoyment of those resources or values. Such an impact on any park resource or value may constitute impairment. However, an impact would more likely constitute impairment to the extent it affects a resource or value whose conservation is:

- necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park;
- key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park; or
- identified as a goal in the park's general management plan or other relevant NPS planning documents.

Impairment may result from NPS activities in managing the resources, visitor activities, or activities undertaken by concessioners, contractors, and others operating in the park. A determination of impairment is made under "Environmental Consequences" for each alternative considered in this EIS.

Page 167, add the following to the section title:

ALTERNATIVE 1: PROPOSED GENERAL MANAGEMENT PLAN (AGENCY PREFERRED ALTERNATIVE AND ENVIRONMENTALLY PREFERRED ALTERNATIVE)

Page 167, modify the first sentence under "Alternative 1" as follows:

Impacts resulting from the proposed legislation to transfer lands and designate cooperative activity/special use lands in the Park for the Timbisha Shoshone Tribe are addressed in the *Draft Final Legislative Environmental Impact Statement, Timbisha Shoshone Homeland* (2000).

Page 168, modify the last paragraph as follows:

The ~~draft-final~~ LEIS for the Timbisha Shoshone Homeland proposal predicts significant advantages and improvements to the condition of cultural resources as a result of the creation of tribal homeland and the improvement in collaboration and cooperation between the Timbisha Shoshone Tribe, the National Park Service and the Bureau of Land Management.

Page 172, modify the second and third sentences of the second paragraph and move the first sentence to the beginning of the third paragraph:

This alternative's implementation (and a similar one for Mojave National Preserve) would result in a noticeable reduction in the burro populations within the California desert area's public lands. ~~The population management levels would be reduced to 334 burros and 252 horses from the Bureau of Land Management's former targeted population (843 burros and~~

267 horses) for their herd management areas prior to the passage of the California Desert Protection Act of 1994. This would be a reduction in the California desert of 60% of the burro and 6% of the horse populations.

Page 172, add the following paragraph at the end of the discussion on this page:

The collective actions discussed in this alternative are proactive strategies proposed as a means of managing Death Valley National Park in a manner that would result in a protected native desert ecosystem that functions without interference from human activities, while allowing visitor use and some Congressionally mandated resource consumptive activities. While some of these activities would result in impacts on resources that seem contrary to the NPS preservation mission (e.g. grazing and mining), Congress specifically allows these activities in Death Valley. This proposal outlines management strategies for these activities, and others, that would be implemented to minimize potential impacts from these activities to levels below the threshold of impairment. For example, all future mining operations would be required to undergo NPS review and impact analysis under 36 CFR Part 9, Subpart A. A grazing management plan would be developed to manage cattle grazing activities so that park resources are not harmed. Other actions in the proposal to construct entrance stations, maintain existing developments, or replace housing at Grapevine would create minor impacts on some resources locally, but would not result in impairment. In addition, construction of these facilities would help to minimize impacts by providing visitor education and information about desert ecosystems. The proposed actions included in this alternative would establish an overall management approach that would allow activities to occur in the Park without harming the integrity of park resources or values, including opportunities that would otherwise be present for the enjoyment of those resources or values. Therefore, these collective actions would not constitute impairment of park resources or values pursuant to NPS policies.

Page 175, modify the first sentence of the third full paragraph as follows:

The interim burro population strategy (keeping the herd at ~~334~~ 297 burros) would require periodic disturbance to the desert wildlife due to noise (helicopters, horses, trucks, wranglers, etc.) and inadvertent trampling of small animals and their habitats from capture crews and their equipment during the capture operation.

Page 180, add the following paragraph at the end of the discussion on this page:

This alternative discusses the existing management actions at Death Valley National Park that would be taken under existing NPS policies and regulations in lieu of a General Management Plan being adopted. While this alternative lacks a cohesive vision, NPS managers are still required to comply with laws and regulations applicable to NPS units and would not allow activities that would adversely impact park resources. However, a few activities would have to be closely monitored to ensure that impairment of park resources did not occur.

Grazing continues under this alternative on the Hunter permit, operating under NPS special use permit stipulations. These permit conditions are essentially the same as those that existing prior to the passage of the California Desert Protection Act. No grazing management plan is in place, although one has been initiated.

Management of feral burros to the Bureau of Land Management's prescribed herd management level of 297 burros and 9 horses would occur under this alternative. Burros are an exotic species that has been documented to result in adverse impacts on native vegetation, soils and water sources, and competes with other native species. No programs are currently in place to monitor these impacts, therefore some potential adverse impacts on native species and habitat could occur without being detected in a timely manner.

The activities discussed above, when considered together, would have uncertain, but potentially adverse impacts on the resources of Death Valley National Park, if they continue undiscovered. Additional research may be required in order to detect these impacts. Therefore, there is some potential that this alternative could result in impairment of park resources or values at some point in the future.

Page 182, modify the "Cumulative Impacts" section as follows:

~~Same impacts as the Alternative 1 (proposed action).~~ This alternative is similar to the proposed action but provides some additional potential resource impacts due to roadside camping within the Eureka-Saline road corridor as well as by a less assertive land acquisition program for inholdings. Conversely, this alternative would provide increased protection through elimination of the Saline Valley airstrip and the sensitive resource studies conducted for proposed mining projects on a case-by-case basis. We believe that the actions proposed in this alternative would not harm the integrity of park resources or values, including opportunities that would otherwise be present for the enjoyment of those resources or values. Based upon the Eureka-Saline camping situation and the land acquisition program we believe this alternative to be somewhat more impacting on resources than the proposed action. This alternative would not constitute impairment of park resources or values pursuant to NPS policies.

Page 190, insert the following text as a new section entitled "REVISED DRAFT ENVIRONMENTAL IMPACT STATEMENT" before "NEWSLETTERS AND HOMEPAGE":

In July 2000, Death Valley National Park released its *Revised Draft Environmental Impact Statement and General Management Plan*. A notice of availability was published in the *Federal Register* by the Environmental Protection Agency on September 6, 2000 (FR 54062-54064). Approximately 350 printed copies of the *Revised Draft Environmental Impact Statement / General Management Plan* were distributed for review. In addition, about 200 CD-ROMs containing both revised draft plans for Death Valley National Park and Mojave National Preserve were also sent. The revised draft plan was also posted on the internet with a link from the Park's homepage and the Northern and Eastern Mojave planning page.

Public review occurred from September 6, 2000 through December 8, 2000. Eleven public meetings were held in October and November 2000 throughout the planning region of southern California and southern Nevada. At these meetings a form was provided for the public to write specific comments that they had on the revised draft plan. In addition, the Death Valley National Park Advisory Commission was briefed to obtain their feedback, concerns, and direction regarding revisions to the first draft general management plan. During the public comment period, a total of 47 comments were received. All substantive comments are addressed in this document. The abbreviated format for the final

environmental impact statement and general management plan has been used because the changes to the revised draft plan are minor and confined primarily to factual corrections, which do not modify the analysis.

Page 193, modify the second sentence of the second paragraph as follows:

These consultations have resulted in the draft report “The Timbisha Shoshone Homeland” (1999), ~~and the Draft Final Legislative Environmental Impact Statement, Timbisha Shoshone Homeland~~ (2000), and the signing of legislation (P.L. 106-423) implementing the recommendations of the report.

Page 277, add the following plant species to Table C-2: Plants of Special Consideration Within Death Valley National Park:

PLANT SPECIES		LISTING STATUS		CNPS	CNPS RED CODE
Common Name	Scientific Name	Federal*	State	CNPS	
<u>alpine dusty maidens</u>	<u><i>Chaenactis douglassii</i> var. <i>alpina</i></u>			<u>2</u>	<u>2-1-1</u>
<u>Greene's rabbitbrush</u>	<u><i>Chrysothamnus greenei</i></u>			<u>2</u>	<u>2-1-1</u>
<u>tecopa bird's-beak</u>	<u><i>Cordylanthus tecopensis</i></u>			<u>1B</u>	<u>3-2-2</u>
<u>downy buckwheat</u>	<u><i>Eriogonum puberulum</i></u>			<u>2</u>	<u>3-1-1</u>
<u>blue skullcap</u>	<u><i>Scutellaria lateriflora</i></u>			<u>2</u>	<u>3-2-1</u>
<u>Death Valley blue-eyed-grass</u>	<u><i>Sisyrinchium funereum</i></u>			<u>1B</u>	<u>3-1-2</u>



COMMENTS AND RESPONSES ON THE REVISED DRAFT ENVIRONMENTAL IMPACT STATEMENT / GENERAL MANAGEMENT PLAN

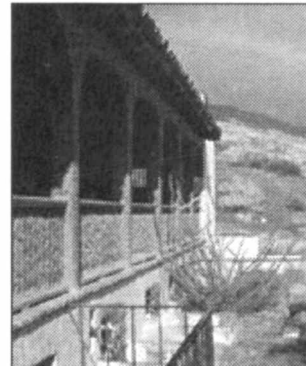
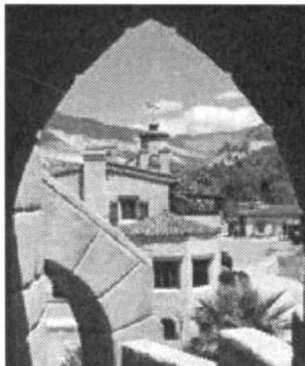
PUBLIC REVIEW OF THE REVISED DRAFT DOCUMENT

In July 2000, Death Valley National Park released its *Revised Draft Environmental Impact Statement and General Management Plan*. A notice of availability was published in the *Federal Register* by the Environmental Protection Agency on September 6, 2000 (FR 54062–54064). Public review occurred from September 6, 2000 through December 8, 2000. Eleven public meetings were held in October and November 2000 throughout the planning region of southern California and southern Nevada. At these meetings a form was provided for the public to write specific comments that they desired to be addressed by the planning team. In addition, the planning team attended and participated in five meetings of the Death Valley Advisory Commission to obtain their feedback, concerns, and direction regarding the development of the general management plan.

Approximately 350 printed copies of the *2000 Revised Draft Environmental Impact Statement / General Management Plan* were distributed for review. In addition, about 200 CD-ROMs containing both revised draft plans for Death Valley National Park and Mojave National Preserve were also sent. The revised draft plan was also posted on the internet with a link from the Park's homepage and the Northern and Eastern Mojave planning page. Appendix A is a list of agencies, organizations, and individuals to whom copies of the revised draft plan were sent.

Death Valley National Park received 47 comment letters from government agencies, interest groups, and individuals (see appendix B). Several additional letters and postcards were received after the closing date for public comments. All written comments are on file at Park headquarters.

Agencies are directed to respond to substantive public comments received during the comment period on draft environmental impact statements. Comments are considered substantive when they: a) question, with reasonable basis, the accuracy of information in the draft environmental impact statement, b) question, with reasonable basis, the adequacy of the environmental analysis, c) present reasonable alternatives other than those presented in the draft environmental impact statement, or d) cause changes or revisions in the proposal. Comments that state a preference for one alternative (or component of an alternative), state opinions, or are outside the scope of the plan, are not considered substantive. However, all letters are read and considered. Substantive comments were addressed by means of written responses, and where appropriate, by revisions to the text of the revised draft plan. Substantive comments are summarized on the following pages, along with our responses.



AGENCY COMMENTS RECEIVED ON THE JULY 2000 REVISED DRAFT ENVIRONMENTAL IMPACT STATEMENT AND GENERAL MANAGEMENT PLAN FOR DEATH VALLEY NATIONAL PARK

In addition to the current comments and responses, interested parties should be aware that the National Park Service published and distributed to the mailing list a "Comments and Responses on the 1998 Draft Environmental Impact Statement and General Management Plan," July, 2000. Interested parties may wish to refer to that document for further information on comments and responses.

(Agency letters are included in their entirety, along with our responses)

Agency	Code	Page
Federal Agencies and Advisory Groups		
Environmental Protection Agency	EPA	15
Department of the Navy	DON	20
Death Valley National Park Advisory Commission	DVAC	21
State and County Agencies		
Nevada State Clearinghouse	NVS	23
California Department of Fish and Game	CDFG	26
California Department of Conservation	DOC	33
Inyo County Board of Supervisors	INYO	37

COMMENTS FROM INDIVIDUALS AND ORGANIZATIONS

Since many comments were received from individuals and organizations, we attempted to capture the essence of the substantive comments and provide a summary of similar comments (*shown in italics*) to which we then provide a response. The guide to comment subjects beginning on page 50 is organized under the same major headings as the *Revised Draft Environmental Impact Statement and General Management Plan* that was released in July 2000. The subheadings and the items listed under them are intended to provide a tool for finding the agency response to comments received on that draft plan.

Comments

Responses



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street

San Francisco, CA 94105-3901

DEC 15

also faxed 12/8/00

December 8, 2000

Superintendent
Death Valley National Park
Death Valley, CA 92328

Dear Superintendent,

The Environmental Protection Agency (EPA) has reviewed the Revised Draft Environmental Impact Statement (RDEIS) for the **Death Valley National Park General Management Plan**, California and Nevada (CEQ# 000310, ERP# NPS-K65209-00). Our review is pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508) and Section 309 of the Clean Air Act (CAA).

The proposed action is the implementation of a General Management Plan for Death Valley National Park. This General Management Plan would guide activities in the areas encompassed by the previous Death Valley National Monument and the new lands added to the unit in 1994 by the California Desert Protection Act (CDPA). Three alternatives are proposed: Proposed Action (Alternative 1), No Action (Alternative 2), and Optional Management Approach (Alternative 3). The primary objectives of the Proposed Action are the removal of feral burros and horses, management of continued grazing as provided for under the CDPA, area specific "concept plans," secure funding for acquisition of private property from willing sellers, and promoting the primary mission of the Park of preserving resources and providing for visitor enjoyment. The Optional Management Approach differs from the Proposed Action in that it allows for different site specific activities and specifies the acquisition of private land or mineral interests only in sensitive habitats. A Preferred Alternative is not identified.

EPA is highly supportive of the National Park Service's (NPS) mission of preserving resources and restoring natural ecosystems. EPA agrees that the implementation of a grazing management plan and the removal of feral burros and horses will greatly reduce negative environmental impacts to soils, vegetation, and water resources, and EPA supports this approach. We also commend the NPS on their extensive public outreach and public participation program in the development of this document.

EPA1

In general, in our review of the RDEIS, we have not identified any environmental impacts requiring substantive changes to the proposal. In addition, we believe the analysis provided adequately sets forth the environmental impacts of the alternatives considered. We have rated

EPA1: Comments noted.

Comments

Responses

16

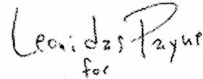
EPA1
cont.

this document **LO, Lack of Objections** (Please see the attached *Rating Factors* for a description of our rating system). Since a Preferred Alternative has not been identified, this rating applies to each of the alternatives presented in the document.

Our rating of LO reflects our overall view of the adequacy of the document. However, we recommend the inclusion of clarifying language. For example, the document would benefit greatly from a specific comparison of current and expected levels of visitor activity and how changes in visitor use will be accommodated in area specific plans. We particularly recommend a discussion of how these changing use patterns will effect water resources. The current discussion of the impacts of the Proposed Action on water resources only discusses the beneficial impacts of burro removal and does not include a discussion of increased demand on very limited water resources. Please see our Detailed Comments for further discussion of these issues and our specific recommendations.

We appreciate the opportunity to review this RDEIS. When the Final EIS is completed, please send two copies to me at the address above. If you have any questions or comments, please feel free to contact me or Nova Blazej, the primary staff person working on this project. Nova Blazej can be reached at 415-744-2089 or blazej.nova@epa.gov.

Sincerely,



David J. Farrel, Manager
Federal Activities Office

Attachments: Summary of EPA Rating Definitions
Detailed Comments

Comments

Responses

SUMMARY OF EPA RATING DEFINITIONS

This rating system was developed as a means to summarize EPA's level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the EIS.

ENVIRONMENTAL IMPACT OF THE ACTION***"LO" (Lack of Objections)***

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

"EC" (Environmental Concerns)

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

"EO" (Environmental Objections)

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

"EU" (Environmentally Unsatisfactory)

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

ADEQUACY OF THE IMPACT STATEMENT***Category 1" (Adequate)***

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

"Category 2" (Insufficient Information)

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analysed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

"Category 3" (Inadequate)

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analysed in the draft EIS, which should be analysed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640, "Policy and Procedures for the Review of Federal Actions Impacting the Environment."

Comments

Responses

EPA2

FUTURE ACTIVITY LEVELS

Visitor Use

The document discusses past and current visitor use (pp.149-151), but does not project future visitor use or traffic volumes. The document does, however, suggest that Park accommodations may currently be at or approaching capacity. For example, the RDEIS states that visitor accommodations are often sold out during the fall, winter, and spring (p.154), an increasing number of buses are entering the Park (p. 84), Park rangers reported approximately 120 vehicles parked at the warm springs the day after the Thanksgiving holiday (p.151), and overnight stays associated with tour buses have increased significantly (p.151). In light of this anecdotal evidence, EPA believes a projection of future visitor activities is warranted, as well as a discussion of how the NPS plans to accommodate or manage these future activities. In personal communication with Dennis Schramm, Management Assistant, Mojave National Preserve, he indicated that the Park would be able to absorb a 10% to 20% increase in visitor use. This information should be included and clearly presented in the Final EIS.

- ▶ *Recommendation:* Include a projection of future visitor use levels in the Final EIS (FEIS) and discuss how the NPS plans to accommodate or manage these future use levels.

EPA3

Area Specific Plans

The RDEIS includes a section on future planning efforts (p. 56), and the Proposed Action discusses general development concepts (p. 83). In light of the discussion above, it would be useful for the FEIS to present a clearer picture of proposed future development and to provide a comparison of existing and proposed development capacity.

- ▶ *Recommendation:* In the FEIS, provide a table that compares existing and proposed facilities and the capacity of those facilities to accommodate NPS staff and visitor needs. For example, provide a comparison of the number of campsites, lodge accommodations, employee housing, etc. Where appropriate, include private operations, such as the Furnace Creek Inn and Ranch and proposed developments by the Timisha Shoshone Tribe.

EPA4

Impacts to Water Resources

The discussion of impacts to water resources under "Environmental Consequences" of the RDEIS is limited to the beneficial impacts of the removal of feral burros and the reduction of grazing. An increase in future visitor levels at the Park has the potential to significantly impact water resources in Death Valley.

EPA2: The National Park Service agrees that projections of future use levels would be helpful in planning efforts. In general throughout the National Park Service, visitor uses tend to grow at a nationwide average of about 3% per year. A projection system for a specific park that can predict growth in visitor use with any significant degree of accuracy for a certain timeframe has yet to be developed. Growth in visitation tends to occur in specific parks by occasional periods of fairly rapid growth, usually fueled by external factors that are notoriously difficult to predict.

Regarding NPS plans to manage increases in visitation, the National Park Service believes that current transportation systems, accommodations, facilities and resource conservation programs are very adequate to meet or exceed best projections for the foreseeable future. The National Park Service believes that staffing levels, support from volunteers, and cooperating organizations and accommodations outside the Park may need to be enhanced as visitation increases.

EPA3: The National Park Service plans very limited future new development within the Park. It is anticipated that some new facilities would be developed outside or on the edges of the Park as visitation increases.

EPA4: While there is the possibility that increases in use might negatively impact water resources within the Park, that has not been the experience since the Park was established in 1933. The management of the Park has aggressively moved to implement several significant improvements in water conservation, restoration of natural flows in many areas, removal of a great many water-using exotic species and the elimination of several maintained lawns and vegetated areas. Much is being done currently such as removal of athel tamarisk in Furnace Creek Wash, removal of oleanders near NPS headquarters and removal of palms in several areas within the Park. These plants are exotic and use great quantities of water. Their removal allows the water to be utilized by native species and other natural processes. Continued exotic plant species removal and site restoration would be conducted by Park staff and volunteers.

Comments

Responses

EPA4
cont.

- ▶ *Recommendation:* In the "Environmental Consequences" section, include a discussion of the potential negative impacts of increased visitor use of the Park on water resources. Also include a discussion of water conservation measures underway and planned for the future.

EPA5

NEPA

Future programs and activities undertaken in Death Valley by the NPS will be tiered from the General Management Plan. The General Management Plan will guide the direction of these programs and activities, yet these programs and activities are still subject to the environmental review requirements of NEPA. It is important that this message is communicated to the public and decision-makers.

- ▶ *Recommendation:* On the Summary page, include a sentence stating that programs or area specific plans developed under the General Management Plan are subject to further environmental review as required by NEPA.

TEXT CLARIFICATION

EPA6

Park Administration

The summary describing the Proposed Action for the administrative headquarters is unclear (p. 14). The summary states that the facilities are inadequate for existing staff and storage needs. Clarify whether the intent of the Proposed Action is to maintain these facilities in their existing conditions.

EPA7

Wildrose

It is unclear from the text what type of development is under consideration for the Wildrose area (p. 84).

EPA5: The National Park Service agrees and has included the suggested language.

EPA6: Page 83 of the Proposed Action indicates that planning for future administrative facilities would be guided by the desire to limit the growth of development and the related demand on Park resources such as water and land. This could be done by locating some administrative activities outside the Park. The National Park Service would also propose to better maintain and rehabilitate facilities that are useful and efficient from a resource conservation or visitor use standpoint.

EPA7: Page 84 of the Proposed Action states: A site plan will be developed for the Wildrose area to determine the future direction of the facilities and use of the area. This may include appropriate use by the Timbisha Shoshone Tribe in accordance with a jointly developed memorandum of understanding between the Tribe and the Park. This is the current state of thinking. The report on the Timbisha Shoshone Homeland indicates that the Tribe may have an interest in developing office, storage or other limited facilities at Wildrose. Given the significant amount of land at Wildrose ranger station that has been developed in the past and the impacts of the 1930s era CCC camp, the proposal of the Tribe would appear reasonable and action could be taken after appropriate environmental review. The NPS use will be approximately at the same level as in the past.

Comments



DEPARTMENT OF THE NAVY
NAVAL AIR WEAPONS STATION
1 ADMINISTRATION CIRCLE
CHINA LAKE, CALIFORNIA 93555-6100

SEP 13

IN REPLY REFER TO:

5090
Ser 8G0000D/5009
7 Sep 2000

Mr. Richard Martin, Superintendent
Death Valley National Park
Death Valley, CA 92328

Dear Mr. Martin:

The Naval Air Weapons Station (NAVAIRWPNSTA), China Lake, has received your *Revised Draft Environmental Impact Statement (EIS) and General Management Plan for Death Valley National Park*. After review of the revised draft EIS we found that our 1998 comment to the third paragraph on page 113 of the draft EIS was not addressed, although your response to our comment indicates that changes to the third paragraph of the draft EIS were made.

DON1

To reiterate the comment, the fourth paragraph on page 117 of the revised EIS should read, "In 1976, the Joint Policy and Planning Board Commanders (NAVAIRWPNSTA China Lake, Edwards AFB, Fort Erwin, and George AFB) agreed to restrict overflights above the existing National Monument Boundaries to 3,000 feet above ground level within the R-2508 Complex. The successive creation of the Complex MOA's in 1977 excluded this airspace; however, the exclusion was not extended to the expanded areas under the later designated Death Valley National Park. Occasionally, pilots have flown over designated areas below the 3,000 foot restriction. A process is in place for all complaints and reports of overflight restriction violations, forwarded by the National Park Service or the public, to be investigated and handled by the Complex management."

Thank you for the additional opportunity to review and comment on the revised draft EIS. If you have any questions regarding our comment, please contact Mr. Steve Pennix at (760) 939-3238.

Sincerely,

CAROLYN A. SHEPHERD
Head, Environmental Project Office
By direction of
the Commanding Officer

Responses

DON1: The National Park Service had intended to include the comments from the U.S. Navy regarding aircraft overflights in the *Revised Draft Environmental Impact Statement*. Unfortunately through an oversight the comment did not get included in the Revised Draft EIS. The National Park Service repeats its commitment to revise the text as recommended by the U.S. Navy. See "Corrections and Revisions" section.

Comments

DEATH VALLEY NATIONAL PARK
ADVISORY COMMISSION

November 14, 2000

Mr. Richard H. Martin
Superintendent
Death Valley National Park
Death Valley, CA 92328

Dear Superintendent Martin:

The Death Valley National Park Advisory Commission has completed its review of the Revised Draft Environmental Impact Statement and General Management Plan, dated July 2000. The Commission proposes changes in two elements contained in the "Backcountry and Roadside Camping" section of the Plan. The changes are as follows:

DVAC1

DVAC2

- The Commission believes that backcountry campfires are an enjoyable and traditional visitor activity and should be allowed. The Commission encourages the National Park Service to examine methods in which this can be accomplished, such as a permit system. A campfire permit could serve as a control system that would specify the conditions for allowing backcountry campfires while providing protection of natural resources.
- The Commission believes that specifying the group size limit for a backcountry special use permit is too detailed an approach to be included in the GMP and eliminates flexibility. It recommends that a group size limit be addressed in the Backcountry Management Plan based upon a statistical or other rational approach.

Overall the Commission finds the proposed GMP an excellent blending of policy, law, and public input that will guide Death Valley National Park in future years. All of the individuals, agencies and organization that participated in the formation of this document are to be commended.

Sincerely,



Alan Peckham
Chairman

Responses

DVAC1: The National Park Service agrees that campfires are quite enjoyable and a traditional visitor activity. That is why campfires are allowed in park campgrounds. Campfires also have a very unfortunate history of causing irreparable damage to park resources, specifically historic cabins and other structures. The history of fire damage from escaped human started fires within Death Valley National Park is extensive and very troubling. Neither the National Park Service nor any other agency has been successful in suppressing or controlling escaped fires once they get out of control in the Death Valley area. Distances from fire fighting facilities and staff are very long and sometimes they are not even available. The roads and other access is very difficult. Aircraft for fire fighting is usually unavailable. Water is rarely available. Very often fire fighting staff are completely unaware of an escaped fire until it becomes completely out of control or the structure is destroyed.

In addition, a small percentage of campfire builders are less conscientious regarding the gathering of wood for a campfire. The incidents of campfire builders ripping siding off of historic structures are, unfortunately, all too common. Once the siding is gone, it is gone forever and cannot be replaced.

The National Park Service has decades long experience with limiting campfires in the old Death Valley National Monument to developed and designated campgrounds only. The National Park Service believes that this was a significantly successful policy. That it allowed for the preservation of many structures that could have been otherwise destroyed by the careless use of fire. That the public benefited from this policy by being able to learn from and enjoy these facilities. In addition, this did not preclude the visitor's ability to enjoy campfires, since they could be used in the campgrounds.

Given these considerations the National Park Service is quite hesitant to permit the use of campfires at random locations within the park backcountry, even under a permit system. However, the National Park Service is also sympathetic to the desires of those who wish to have campfires in the backcountry, in some cases we share that desire. Accordingly, the National Park Service will review the situation over the next few months and provide a reasoned and consistent policy that will reflect our mandate to preserve park resources and still provide for visitor enjoyment.

Comments

Responses

DVAC2: The National Park Service agrees that the group size limit should be further addressed and more detail included in the Park's backcountry and wilderness management plan. The National Park Service is of the opinion that the limits are reasonable, appropriate and well thought out for the reasons outlined below.

The National Park Service has determined that the top number of vehicles allowed in a group for backcountry road use is 20 vehicles or 40 motorcycles. This is a reduction from the up to 400 motorcycles that were formerly allowed until 1995. The National Park Service has concluded that over 20 vehicles or 40 motorcycles is an intrusion and inappropriate in the park backcountry. The NPS went to the U.S. District Court in 1996 to establish this top limit and the Court concurred. With this top limit, it is the NPS's opinion that 16 or more people or 7 or more vehicles in a group should have a permit for backcountry camping. This is a camping permit, not a day use permit. There is no requirement for a day use permit. The NPS believes that this camping and vehicle limit is based on a well-thought-out and very rational approach for the following reasons:

- Many backcountry camping areas are too small to accommodate more than 16 people.
- Sixteen people need an average of 7 vehicles for transportation of people and equipment.
- Large groups tend to make a cumulative impact upon backcountry camping areas.
- The permit process gives the NPS an opportunity to educate groups on minimum impact camping techniques.
- The permit process is constructed so that NPS can educate groups on camping areas that are appropriate and that can handle their group size.
- Large groups tend to disturb smaller groups or families that are looking for the solitude of the desert.
- The permit process allows the NPS to educate groups on non-disturbance etiquette.
- The permit process is designed so that the NPS can recommend areas to preclude the congregating of several groups in one area at once.
- Should a particular area of the backcountry be extra-sensitive for some reason, such as a sensitive species, the NPS can recommend alternative areas to a large group.

Given these reasons, the NPS is of the view that the special use permit requirements are reasonable and appropriate. The NPS is fully in agreement with the Advisory Commission that the groups size limit should be further addressed and more detail included in the backcountry and wilderness management plan. It seems reasonable as a matter of public education and awareness that this information remains in the GMP.

Comments

Responses

KERRY C. GUINN
Governor

STATE OF NEVADA

JOHN P. COMEAUX
Director



DEPARTMENT OF ADMINISTRATION

209 E. Musser Street, Room 200

Carson City, Nevada 89701-4298

Fax (775) 684-0260

(775) 684-0209

RECEIVED

NOV 15 2000

MOJAVE NATIONAL
PRESERVE

November 13, 2000

Mr. Dennis R. Schramm
Mohave National Preserve
222 E. Main St Suite 202
Barstow CA 92311

Re: SAI NV # E2001-024

Project: Revised DEIS and RMP for the Death Valley National Park

Dear Mr. Schramm:

Enclosed are the comments from the Nevada Division of Water Resources, and the Natural Heritage Program concerning the above referenced report. These comments constitute the State Clearinghouse review of this proposal as per Executive Order 12372. Please address these comments or concerns in your final decision. If you have questions, please contact me at 684-0209.

Sincerely,

A handwritten signature in cursive script, reading "Heather K. Elliott".

Heather K. Elliott
Nevada State Clearinghouse/SPOC

Comments

Responses

NEVADA STATE CLEARINGHOUSE

Department of Administration
Budget and Planning Division
209 East Musser Street., Room 200
Carson City, Nevada 89701-4298
(775) 684-0209
fax (775) 684-0260



DATE: September 28, 2000

Governor's Office	Legislative Counsel Bureau	Conservation-Natural Resources
Agency for Nuclear Projects	Information Technology	Director's Office
Agriculture	Emp. Training & Rehab. Research Div.	State Lands
Business & Industry	PUC	Environmental Protection
Energy	Transportation	Forestry
Minerals	UNR Bureau of Mines	Wildlife
Economic Development	UNR Library	Region 1
Tourism	UNLV Library	Region 2
Fire Marshal	Historic Preservation	Region 3
Human Resources	Emergency Management	Conservation Districts
Aging Services	Office of the Attorney General	State Parks
Health Division	Washington Office	Water Resources
Indian Commission	Nevada Assoc. of Counties	Water Planning
Colorado River Commission	Nevada League of Cities	Natural Heritage
		Wild Horse Commission

Nevada SAI # E2001-035 Ref. E1999-024

Project: Revised DEIS and RMP for the Death Valley National Park

NOTE: **Clearinghouse has backed up the response date on this document to allow time for a consolidated response.**

☒ Yes ☐ No Send more information on this project as it becomes available.

CLEARINGHOUSE NOTES:

Enclosed, for your review and comment, is a copy of the above mentioned project. Please evaluate it with respect to its effect on your plans and programs, the importance of its contribution to state and/or local areawide goals and objectives, and its accord with any applicable laws, orders or regulations with which you are familiar.

Please submit your comments no later than **November 8, 2000**. Use the space below for short comments. If significant comments are provided, please use agency letterhead and include the Nevada SAI number and comment due date for our reference. Questions? Heather Elliott, 684-0209

THIS SECTION TO BE COMPLETED BY REVIEW AGENCY:

☐ No comment on this project
☐ Proposal supported as written
☐ Additional information below

☐ Conference desired (See below)
☐ Conditional support (See below)
☐ Disapproval (Explain below)

AGENCY COMMENTS:

NV1

Any new water rights appropriations within the State of Nevada must be done pursuant to Nevada Revised Statutes chapters 533 and 534. Any claims of reserved water rights within the State of Nevada are determined under Nevada water law -- Nevada Revised Statutes chapter 533.

NV1: Comments noted.

Karl Eitenmiller
 Signature _____
 KARL EITENMILLER

WATER RESOURCES
 Agency _____

11-01-00
 Date _____

Comments

Responses

Page 1 of 1

Heather Elliott

From: "James D. Morefield" <jdmore@govmail.state.nv.us>
 To: "Elliott, Heather" <hellott@govmail.state.nv.us>
 Sent: Wednesday, November 08, 2000 11:21 AM
 Subject: E2001-035 Death Valley NP revised DEIS

This is the Nevada Natural Heritage Program's response to the Nevada State Clearinghouse item referenced below. Please contact us if this response is needed in hard-copy or another format. Otherwise hard-copy will be retained in our files according to our Records Retention Schedule.

NEVADA SAI#: E2001-035
 PROJECT: E2001-035 Death Valley NP revised DEIS
 COMMENTS DUE: 8 November 2000
 Send more information on the project as it becomes available: YES
 Check-offs: Proposal supported as written, Additional information below

AGENCY COMMENTS:

NV2

We support the proposed action for the enhanced resource management opportunities its implementation will provide to the California lands newly added to Death Valley National Park, and to the resources these areas share with adjacent Nevada lands both inside and outside the Park.

(signed) James D. Morefield, Biologist III/Botanist
 Nevada Natural Heritage Program
 8 November 2000

~~~~~  
 James D. Morefield, Botanist  
 Nevada Natural Heritage Program  
 Department of Conservation and Natural Resources  
 1550 East College Parkway, suite 145  
 Carson City NV 89706-7921 U.S.A.

~~~~~  
<http://www.state.nv.us/nvnhp/>
 email: jdmore@govmail.state.nv.us
 tel: (775) 687-4245
 ~~~~~

NV2: Comments noted.

11/8/00

## Comments

## Responses

**DEPARTMENT OF FISH AND GAME**

Inland Deserts-Eastern Sierra Region  
330 Golden Shore, Suite 250  
Long Beach, CA 90802  
(562) 590-5132



December 4, 2000

DEC - 8

Mr. Richard Martin, Superintendent  
Death Valley National Park  
Death Valley, CA 92328

Dear Mr. Martin:

The Department of Fish and Game (Department) has reviewed the document entitled "Revised Draft Environmental Impact Statement and General Management Plan, Death Valley National Park California and Nevada" (Plan). The Plan presents the proposed management approach and two alternatives for the management of Death Valley National Park (Park). The proposed action seeks to extend the existing management strategies from the 1989 General Management Plan for the previous National Monument, and the National Park Service (NPS) mission and policies, to the management of the resources within the new lands added to the unit in 1994 by the California Desert Protection Act (CDPA). It also incorporates the designation of 95% of the Park as wilderness into the management strategy and addresses the removal of feral animals from the Park. This alternative considers grazing and mining as components of the management as compelled by the CDPA, identifies plans needed to address site specific issues, and seeks funding for the purchase of private property from willing sellers.

Two other alternatives presented in this document include the existing management (No Action), and an optional management approach. Under existing management no changes in recreation use would occur, visitor and support services would be maintained, and other activities would remain at status quo. The optional alternative provides for approval of the use of airstrips at Saline Valley Warm Springs, designating campsites at Warm Springs, and specifies acquisition of private land or mineral interests only in sensitive habitats, and phases out the concession at Stovepipe Wells.

The Department is providing comments on this Plan as the state agency which has the statutory and common law responsibilities with regard to fish and wildlife resources and habitats in California. California's fish and wildlife resources, including their habitats, are held in trust for the people of the State by the Department (Fish & Game Code section 711.7). The Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitats necessary

## Comments

Mr. Richard Martin  
Death Valley National Park  
December 4, 2000  
Page 2

for biologically sustainable populations of those species (Fish & Game Code section 1802). The Department's fish and wildlife management functions are implemented through its administration and enforcement of the Fish and Game Code (Fish & Game Code Section 702). The Department is a trustee agency for fish and wildlife under the California Environmental Quality Act (see CEQA Guidelines, 14 Cal. Code Regs. Sec. 15386(a)), and it is charged with review of requests to appropriate water and the analysis of cumulative effects of diversions on fish and wildlife resources (Pub. Res. Code Secs. 1000, 10003). The Department is providing these comments in furtherance of these statutory responsibilities, as well as its common law role as trustee for the public's fish and wildlife.

The Department acknowledges the NPS for responding to our letter of January 12, 1999, and incorporating several of our recommendations into the Plan. However, we remain concerned with the visitor services emphasis of the document, and continue to believe that biotic resources should be given more attention in the Plan. We also believe that the Park's commitment to a burro reduction program is a positive action which will have tremendous beneficial impacts to aquatic, wildlife and plant resources.

With the exception of our comments which were incorporated into the Plan, our recommendations and justifications for those recommendations which are contained in our January 12, 1999 letter, remain. The Department's comments pertain to those species found within the Park within the State of California.

CDFG1

In general, we continue to believe that the Plan should establish priorities and provide more specific guidance for management and conservation of biotic resources. We believe that the Plan would be strengthened by including guidelines for protection and enhancement of fish, wildlife, and plants and their habitats. Several of the responses to our earlier comments cite that future planning and environmental review will be completed, and that the level of detail we are requesting would be more appropriate for those planning documents. While we do agree that this Plan cannot contain an enormous amount of detail for all biotic resources, we remain convinced that this Plan can and should provide a greater level of guidance for future decision makers to use when writing plans and evaluating proposals which could affect fish and wildlife resources. This Plan should contain specific Standards and Guidelines for management of biotic resources within the Park. For example, Desired Future Conditions (DFC) for habitats should be developed and included in the Plan. These DFCs should then be used to guide management and enhancement activities, to establish priorities for funding, and to assess whether proposed recreational or visitor use developments are consistent with maintenance and enhancement of these habitats.

The NPS has responded to our earlier recommendations to provide more

## Responses

CDFG1: The National Park Service continues to believe that specific programs for the management of biotic resources is of such detail and such a magnitude that it would not be feasible to include that information within this plan, which is purposely a very general, overarching document. We appreciate the department's statement regarding the inclusion of a statement in the general management plan that commits the National Park Service to the development of specific guidance for the management of biotic resources. We agree with the Department on this matter and will revise the management plan accordingly. We also concur with the Department regarding the inclusion of the entire Park in the Resource Management Plan, rather than just the newly acquired lands and we will note that in the general management plan.



## Comments

Mr. Richard Martin  
Death Valley National Park  
December 4, 2000  
Page 3

CDFG1  
cont.

specific guidance for biotic resources by offering to address these resources in an upcoming revision of the Park's Resource Management Plan. The deferred preparation of these guidelines to the future development of a Resource Management Plan are acceptable to the Department, provided the following suggestions are incorporated into the Plan. First, we believe the General Management Plan should contain a commitment to develop these guidelines within the Resource Management Plan. Second, we believe the Resource Management Plan should cover the entire Park, rather than only the newly acquired lands. We continue to believe that biotic resources are being impacted by ongoing activities within the old Monument boundaries. These resources and impacts should be addressed in a revised Resource Management Plan. For example, impacts to aquatic resources from water use at Furnace Creek, and impacts of visitor use on *Assiminea infima* at Badwater Spring should be addressed.

CDFG2

The Department would like to work cooperatively with the NPS regarding any fish, wildlife, and plant resource issues. The CDPA Section 103 (e) (f) entitled Fish and Wildlife Management states: "As provided in section 4(d)(7) of the Wilderness Act, nothing in this title shall be construed as affecting the jurisdiction of the State of California with respect to fish and wildlife on the public lands located in that State. Management activities to maintain or restore fish and wildlife populations and the habitats to support such populations may be carried out within wilderness areas designated by this title and shall include the use of motorized vehicles by the appropriate State agencies."

Specific Comments

Page 41, Desired future conditions

CDFG3

No desired future conditions are given for habitats. All of the desired future conditions are described in terms of visitor use. Desired future conditions for sensitive resources and habitats should be developed and included which describe the biological function of the habitat type. The NPS responses to our January 12, 1999 comment (CDFG Comment #8) letter on the initial draft states "Desired future condition statements have been added to address this concern." We are unable to locate these additions in the current draft.

Page 66, Water Use

CDFG4

Water should be prioritized for habitat restoration and endemic species protection at Texas Spring and Travertine Spring in the Furnace Creek area. While Table 5. (p 118) indicates average use of over 2,000 acre-feet per annum at Furnace Creek, it is unclear in Appendix B-4 which state water rights authorize this use. This information would assist reviewers of this plan in understanding the obstacles and

## Responses

CDFG2: Comment noted.

CDFG3: A section on sensitive resources and habitat types has been added to the desired future conditions.

CDFG4: While this is a site-specific issue and of more detail that can be included in the general management plan the National Park Service agrees with the California Department of Fish and Game that it is an issue of significance within Death Valley National Park. For information purposes the National Park Service is currently initiating a focused environmental impact statement specifically to address the Travertine and Texas Springs issues of the environment, of the law, of water rights, of facility management, of public health, of highway safety and other considerations. Water rights in the area are complex since Amfac Parks and Resorts, as a private inholder, has a significant water right, the Timbisha Shoshone Tribe was granted a water right by recent legislation and the National Park Service utilizes a small amount of water for camping and visitor center facilities. Significant conservation efforts have occurred in recent years, but the process needs analysis, planning, priorities and procedures. Public scoping meetings for the environmental impact statement will be held and alternatives developed. The process is expected to take two to three years to complete. Out of this will come a water management plan to address all concerns.

We believe this demonstrates the value of the NPS-tiered planning process. The general management plan provides general guidance and we then follow-up with specific plans and NEPA compliance to address detailed programs such as Travertine and Texas Springs water issues.

## Comments

## Responses

Mr. Richard Martin  
Death Valley National Park  
December 4, 2000  
Page 4

CDFG4  
cont

opportunities for restoration of aquatic resources in this area. Given the scarcity and ecological value of natural waters in the desert, it is difficult to understand why NPS has allowed the golf course to be kept green year round and not required water conservation devices in the guest facilities. Reallocation of significant water to the natural spring systems would be most consistent with the Death Valley National Park Purpose as stated on Plan page 35 to "Preserve the unrivaled... natural resources of these unique natural landscapes, while perpetuating significant and diverse ecosystems of the California desert in their natural state."

Page 66, Wildlife Guzzlers

CDFG5

Pursuant to CDPA Section 103 the Department looks forward to cooperating with the NPS regarding any modifications in the current management of guzzlers.

Page 68, Sensitive Species

CDFG6

Death Valley's tortoise population may be a small but significant population segment. These animals exist at the margin of the species' range. There are good theoretical reasons to expect they may be genetically distinct, and genetic work should be planned to assess this. They are free of diseases ravaging the core populations. Additional survey work should be conducted to provide accurate population status information. NPS biological staff should become active with the Desert Tortoise Oversight Group, to coordinate with overall tortoise planning across the desert.

CDFG7

We continue to believe that the NPS should strive to protect and perpetuate the natural distribution and abundance of all native species in the same manner it would promote the conservation of federally listed or proposed species. Sensitive or Special Status species should be managed to prevent future listings of those species. We appreciate the incorporation of our requested language change into the Plan (CDFG Comment #16). We agree that addressing special status species management in an updated Resource Management Plan is appropriate. However, we also firmly believe that providing some overall guidance in this document is essential.

Any active management programs conducted by the NPS should be coordinated with the Department and with the U.S. Fish and Wildlife Service (USFWS) if involving state and/or federally listed species or species of special concern. The Department shall participate to the greatest extent practicable in any federal consultation involving a state or federally listed threatened or endangered species.

Page 71, Inventory and Monitoring

CDFG8

The NPS responses to our earlier comments (CDFG #21 and 25) state that the

CDFG5: Comments noted.

CDFG6: The National Park Service agrees with the comment.

CDFG7: Comments noted.

CDFG8: From the standpoint of obtaining funding for inventory and monitoring programs, the National Park Service is in agreement with this statement. Since inventory and monitoring programs are specific to the resource being inventoried and monitored, any comprehensive plan must be very general in nature. The Park staff have aggressively pursued funding for inventory and monitoring programs and there is a distinct possibility that some funding will be received in the next years.

## Comments

## Responses

30

Mr. Richard Martin  
Death Valley National Park  
December 4, 2000  
Page 5

CDFG8  
cont

Park currently does not have a budget for inventory and monitoring, and that funding will be sought to carry out inventory and monitoring activities. We believe that this Plan should establish priorities and provide guidance for Park staff to use when developing the Inventory and Monitoring Plan, and that the preparation of that plan be given a high priority. It is our belief that the anticipated funding would be easier to obtain if the Inventory and Monitoring Plan was already in existence.

Page 74, Native American Interests

CDFG9

We concur with the statement "Any development or resource use activities will...be subject to appropriate National Environmental Policy Act compliance and public review, especially in regards to water resources that might be harmed by groundwater pumping with any new developments."

Page 78, Recreational Activities

CDFG10

The NPS should determine whether sand sledding and skiing at the Eureka Dunes are appropriate activities in the Park. Continued permission of these activities warrants preparation of a Biological Opinion in view of the sensitive endemic species at that site discussed on page 130.

CDFG11

Incursion of off road vehicles into the Park at Surprise Canyon should be prevented as an inappropriate activity with adverse impacts to aquatic and riparian ecosystem function.

Page 84, Roads

CDFG12

The management philosophy "to protect cultural and natural resources, enhance the visitor experience, while providing for safe and efficient accommodation of Park visitors" creates conflicting mandates. Roads per se do not protect resources, but poorly conceived road improvements can damage resources by funneling visitor use into or near sensitive areas. Prioritization decisions are inappropriately deferred to future revisions of the road management plan. The Department believes the Plan should set management direction affirmatively, and suggests the following philosophy statement: "to enhance the visitor experience, while providing for safe and efficient accommodation of Park visitors consistent with full protection of sensitive cultural and natural resources."

CDFG9: Comments noted.

CDFG10: On March 27, 2001, the Death Valley National Park superintendent decided to prohibit sandboarding and sand skiing on the Eureka Dunes. The specific details of these closures will be worked out. The National Park Service has initiated a variety of management actions designed to assure the protection of the species such as closures of the airstrip, improved barriers, a major increase in ranger patrols and use monitoring, a plant monitoring protocol and a two stage site planning process. The first phase, for which NEPA compliance has been completed, will move both parking areas away from the dunes but still within walking distance, will close many redundant and short-cut roads, will provide better interpretation, and will provide more direction. The second phase of the site-specific planning process will go into more detail on areas along the road toward Steel Pass and other issues.

CDFG11: The first 2 miles of the Surprise Canyon road are on lands managed by the Bureau of Land Management. Only the last approximately 2 miles are within the Park. This road is an exclusion from wilderness. This road accesses private lands within the Park that are part of the historic Panamint City. There has been recent litigation regarding the BLM portion of this road.

CDFG12: The National Park Service is in general agreement with this statement given the following considerations. While poorly conceived roads can have a detrimental effect on natural and cultural resource conservation, well-planned roads can provide for visitor access, education on conservation and enjoyment of park resources. Park road systems are usually an aggregate of historic routes, trails that were converted to roads during horse and buggy days, early park planners opinions on road locations, the dictates of terrain and weather, and above all: the constraints of funding for construction and maintenance of roads. Evolving road systems and facilities involves a highly complex process of analysis of the benefits and problems with any particular

## Comments

Mr. Richard Martin  
Death Valley National Park  
December 4, 2000  
Page 6

Page 91, Sand and Gravel for Road Maintenance

CDFG13

Depending upon the entity conducting the road work and removal of material from wash areas, a Streambed Alteration Agreement may be required pursuant to Section 1600 et. seq. of the Fish and Game Code and may require other permits issued by the Department regarding potential take of a listed species.

Page 106, Mineral Development Activities

CDFG14

The Department appreciates the response to our comment (CDFG Comment #10). The response states "Regardless of the approach, if the proposed mineral operations could not be mitigated to meet NPS approval standards, the proposed plan would be denied." We could not find this statement in the Plan, however. We request that this language be incorporated into the Plan, rather than be contained in an appendix of the Plan.

Page 129, Riparian Bird Species

CDFG15

The Department appreciates the incorporation of language into the Plan addressing the issue of brown-headed cowbird nest parasitism. We also request that Park staff work cooperatively with the Department, as well as with USFWS, to develop a solution if a problem is identified. We believe this is an issue which warrants investigation, and request that Park staff identify this issue as a high priority when developing the Resource Management Plan, and Inventory and Monitoring Plan. We believe this issue would provide a good opportunity for the NPS to work cooperatively with our Department to obtain funding through Partners in Flight, or National Fish and Wildlife Foundation, to investigate the level of cowbird nest parasitism on riparian dependent bird species.

In summary, the Department recommends that the Preferred Alternative be amended to include Desired Future Conditions for habitats, or a commitment to develop Desired Future Conditions for habitats in the updated Resource Management Plan, as well as a commitment to address existing impacts to biological resources within the entire Park in the Resource Management Plan. We also request that the Preferred Alternative contain guidance for conservation of all sensitive species within the Park. We request also that the Preferred Alternative be amended to include priorities and guidance for an Inventory and Monitoring Program, and that the Preferred Alternative be amended to include our additional comments as stated in this letter.

Thank you for the opportunity to provide comments on the General Management Plan and Revised Draft EIS. If you have any questions, please contact Mr. Darrell Wong, Habitat Conservation Program Supervisor, at 407 W. Line Street, Bishop CA

## Responses

facility, the benefits to be gained by a change, any negatives foreseen with a change, the practicalities of public acceptance and the probabilities of adequate funding with which to effect a change in road status.

CDFG13: Comments noted.

CDFG14: This language has been incorporated into the plan. See corrections and revisions section.

CDFG15: Comments noted.

## Comments

## Responses

32

Mr. Richard Martin  
Death Valley National Park  
December 4, 2000  
Page 7

93514; telephone 760-872-1128.

Sincerely,

A handwritten signature in cursive script, appearing to read "Alan Pickard".

Alan Pickard  
Deputy Regional Manager  
Eastern Sierra Inland Deserts Region

cc: C. Taucher, Long Beach  
D. Wong, Bishop

## Comments



801 K STREET  
SACRAMENTO  
CALIFORNIA  
95814

PHONE  
916/322-1080  
FAX  
916/445-0732

INTERNET  
CONSV.CA.GOV

GRAY DAVIS  
GOVERNOR

DEPARTMENT OF CONSERVATION  
STATE OF CALIFORNIA

December 8, 2000

Ms. Mary Martin, Superintendent  
Mojave National Preserve  
222 E. Main Street, Suite 202  
Barstow, CA 92311

Mr. Richard Martin, Superintendent  
Death Valley National Park  
Furnace Creek, CA 92328

Subject: Revised Draft Environmental Impact Statements (DEIS) for the  
Death Valley National Park (DVNP) and Mojave National  
Preserve (MNP) General Management Plans (GMP)

Dear Superintendents:

The Department of Conservation's (DOC) Division of Mines and Geology (Division) and Office of Mine Reclamation (Office) have reviewed the DEIS documents for the two referenced GMPs. The Division maps and classifies the State's mineral resource deposits and provides information to lead agencies in support of land use decisions that conserve these resources. The Office is responsible for the statewide administration of the Surface Mining and Reclamation Act of 1975 (SMARA). We offer the following comments with respect to mine reclamation and mineral resources.

Mineral Resources

DOC1

The mineral resources of the project areas have been well documented by the Division, the U.S. Geological Survey, and the U. S. Bureau of Mines. As a result of the complex and significant geologic history of the region, the DVNP and MNP contain a great variety of important geological features and related metallic and industrial mineral resources. However, mineral resources are either not represented in the DEIS/GMP as having equal significance, or not listed at all among the physical resources (air quality and visibility, night sky, noise, water, and paleontological and geologic resources) discussed. Neither do the documents cite a number of key sources of information about mineral resources in their respective reference sections.

## Responses

DOC1: Mineral resources are addressed extensively on pages 138 and 162 of the Affected Environment and in the Land Protection Plan on page 233 under "Mineral Rights." Mineral resources are addressed further in the Comments and Responses Draft Document on pages 110 and 111 under "Abandoned Mine Lands," "Standards," "Valid Existing Rights," "Management Objectives," "Mining Authorized Activity," "Minerals as a Natural Resources," "Rainbow Talc Mine," "Restoration," "Sensitive Resource Analysis," and "Range of Alternatives." The National Park Service agrees that mineral resources, including their extent, diversity, and exploration are important aspects of the management of Death Valley National Park and the Death Valley story for interpretation to visitors. These stories are recognized in the plan's purpose and significance statements and interpretive themes. We believe that management of mineral resources is dealt with through the regulation of mining, which is explained in the sections identified above.



## Comments

## Responses

Ms. Mary Martin and Mr. Richard Martin  
December 8, 2000  
Page 2

- DOC2 Both DEIS/GMP documents cover important mineral resources issues. For example, the DVNP DEIS/GMP addresses eliminating or minimizing of the adverse effects of mining and mineral development; provides for the reclamation of mining areas; and, describes the eventual completion or phase-out of mining. Similarly, the MNP DEIS/GMP discusses valid existing mineral rights; mitigation of hazards associated with abandoned mines; purchase of patented mining claims; and, restrictions on mineral development. Nevertheless, we believe that neither document gives appropriate attention to the historical development of mineral deposits; variety of mineral deposits; association of geological processes and mineral deposit formation; or, mineral economics. We also believe that the DVNP falls short in recognizing important educational opportunities (in addition to mining history) that the objective, scientific presentation of mineral resource information can offer to visitors to the DVNP. Finally, neither the Division nor any other state or federal agencies with comprehensive knowledge of mineral resources in the region participated as cooperators at the initiation of the Northern and Eastern Mojave (NEMO) planning effort, of which the MNP is a part (page 324 of the MNP DEIS/GMP).
- DOC3 If you would like our assistance or suggestions to develop the means for presenting geologic and related mineral resources information to visitors to the MNP, please do not hesitate to contact us. We feel that mineral resources and related issues can and should be presented objectively in a manner that reflects their importance, not only to the aboriginal peoples who once lived in and traveled through the region, but to modern society as well.
- Mine Reclamation
- DOC4 The Surface Mining and Reclamation Act requires that every person conducting mining within the State of California have a reclamation plan and related financial assurances approved by the lead agency (Public Resources Code Section 2710 et seq.). The authorized lead agencies for mining in the Death Valley National Park and Mojave National Preserve are, respectively, Inyo and San Bernardino Counties.
- The National Park Service's regulations (Code of Federal Regulations (CFR) 36, Section 9.9) require that park and preserve Plans of Operations include all actions necessary to comply with applicable Federal, State and local laws or regulations, including the applicable regulations in 36 CFR, Chapter I. Therefore, any surface mine within the Park is subject to SMARA and required to have both a reclamation plan and financial assurances that meet the minimum state requirements.
- DOC5 In the past, Inyo County relied on small pits within the DVNP for road maintenance aggregate. However, with expanded park boundaries these pits are now under the jurisdiction of the National Park Service, which does not allow any removal of material from park lands for road maintenance. It is our concern that Inyo County, which is being asked

DOC2: Comments are addressed in DOC1 above.

DOC3: Comments noted.

DOC4: Comments noted.

DOC5: The National Park Service agrees that this is a concern. Some of the former borrow sites are now included within Congressionally designated wilderness. This is as a result of an Act of Congress: the California Desert Protection Act of 1994, not a management action by the National Park Service. The National Park Service has no authority to disregard an Act of Congress, in fact we are duty bound to follow and obey the laws of Congress, including the Wilderness Act. We are working with Inyo County to determine the location and need for specific borrow sites. Once this is done Inyo County may wish to request adjustment through the Congressional process. At such time as the legal questions to the borrow pits are resolved the National Park Service is very amenable to the adoption of a memorandum of understanding with the county on the operation of the borrow pits.

## Comments

## Responses

Ms. Mary Martin and Mr. Richard Martin  
December 8, 2000  
Page 3

DOC5  
cont.

by the NPS to continue maintaining the roads, will be unable to do so unless these former borrow sites are re-opened by the NPS for County use. Based on DOC mineral resource mapping, aggregate materials needed for road maintenance and emergency road repair would have to be hauled great distances from outside the Park. Given that the cost of aggregate can double for every 50 miles of shipping distance, the cost of transporting road base from outside the park boundary could be prohibitive for the County. In addition, the increased haul truck travel miles would cause an increase in noise, dust, and road-wear impacts on the park. Therefore, we recommend that the DEIS/GMP for DVNP consider a contingent strategy for mine reclamation if prohibiting future mining in the Park subsequently proves infeasible.

DOC6

In consideration of the foregoing, we recommend that a Memorandum of Understanding (MOU) be entered into between NPS and DOC. A Draft MOU was previously forwarded to the NPS from the DOC for review and comment. However, no comment from the NPS has yet been received. An MOU currently exists between DOC, the United States (US) Forest Service and the US Bureau of Land Management (attached). This MOU serves as guidance for local, state and federal agencies in fulfilling their mutual regulatory responsibilities with respect to mine reclamation. The purposes of the MOUs are to: 1) assure adequate and appropriate mine reclamation; 2) simplify the administration by federal agencies of surface mining and reclamation practice requirements on a combination of federal and private lands; 3) achieve coordination of activities governing reclamation; and, 4) eliminate duplication among the federal, state and county lead agencies ("lead agencies" pursuant to the Surface Mining and Reclamation Act, Public Resources Code Section 2728) in implementing state and federal requirements.

Thank you for the opportunity to review and comment on the environmental documents and General Management Plans for Mojave National Preserve and Death Valley National Park. If you have questions on these comments or require assistance with mineral resource or mine reclamation issues, please contact Mr. Robert Hill (916/322-1083) or James Pompy (916/323-8565), respectively. You may also call me at 916/445-8733.

Sincerely,



Kenneth E. Trott  
Environmental Coordinator

Enclosure (8 pp.)

DOC6: We agree that an MOU considering the needs of both the National Park Service and the California Department of Conservation would be beneficial. We believe work is in process regarding an MOU.

## Comments

## Responses

Ms. Mary Martin and Mr. Richard Martin  
December 8, 2000  
Page 4

cc: Earl Gann  
Planning Department  
County of Inyo  
P.O. Box Drawer L  
Independence, CA 93526

Rich Touslee  
Land Use Services Department  
385 North Arrowhead Avenue, 3rd Floor  
San Bernardino, Ca 92415-4147

James F. Davis, State Geologist  
Division of Mines and Geology  
CA Department of Conservation

Glenn Slober, Assistant Director  
Office of Mine Reclamation  
CA Department of Conservation

Robert Hill, Supervising Geologist  
Division of Mines and Geology  
CA Department of Conservation

James Pompy, Unit Manager  
Reclamation Unit - Office of Mine Reclamation  
CA Department of Conservation

## Comments



**Inyo County Planning Department**  
**168 North Edwards Street**  
**Post Office Drawer L**  
**Independence, California 93526**

Phone: (760) 878-0263  
 (760) 872-2706  
 FAX: (760) 872-2712  
 E-Mail: inyoPlanning@telis.org

*(Via facsimile - original to follow by mail)*

December 7, 2000

Richard H. Martin  
 Superintendent  
 Death Valley National Park  
 Death Valley, CA 92328

**SUBJECT:** Resolution of the Board of Supervisors of Inyo County, California Addressing the Proposed Death Valley National Park (DVNP) General Management Plan (GMP) and Revised Draft Environmental Impact Statement (RDEIS).

Dear Superintendent Martin:

Enclosed, please find a resolution of the Inyo County Board of Supervisors adopted on December 6<sup>th</sup>, 2000 commenting on the RDEIS and GMP for DVNP.

INYO1

Overall, the document is well written and does an excellent job setting forth the general framework for management of the Park. We appreciate your use of the Death Valley National Park Advisory Committee and Inyo County Collaborative Planning Team as tools for publicizing and soliciting public input on the document.

INYO2

Our comments are incorporated in the attached Board of Supervisors Resolution. In addition, Inyo County would like to comment that we are deeply concerned about a reference in the Proposed Action (pg. 85) that employee housing may be relocated from the Cow Creek area to locations outside the boundaries of the Park (perhaps Beatty or Pahrump, Nevada). We find the RDEIS's assessment of the Proposed Action's impacts on administrative operations and facilities in relation to relocation of Park services and employees (pg. 171) to be vague, unquantified, and inadequate under the National Environmental Policy Act (NEPA). If implemented, this portion of the Proposed Action could result in a significant adverse impact to local government operations (i.e. enrollment in the Death Valley Unified School District) and the County's obligations under California State Statute to provide its fair share of housing for all income groups. In any event, development of the Concept Plan for Furnace-Cow Creek should be subject to separate public review under NEPA with Inyo County as a Cooperating Agency.

Thank you for the opportunity to comment on the DEIS. Please contact me at the above address if you have any questions.

Sincerely,

Charles S. Thistlethwaite, AICP  
 Planning Director

Attachment: Board of Supervisors Resolution No. 2000-64

## Responses

INYO1: Comments noted.

INYO2: The National Park Service has no intention to "relocate" currently existing housing to a location outside of the Park. The National Park Service plans to maintain approximately the current level of housing units within the Park. The only possible exception to this might be the housing at Grapevine and Scotty's Castle. While Inyo County might on occasion be called upon to provide services in the Grapevine and Scotty's Castle areas, we are aware of no significant County resources that are devoted to those areas. Almost all facilities and amenities for employees and visitors are provided by the National Park Service. Currently no employees living in the area have children in school. The National Park Service is undertaking an analysis of this location to determine an alternative site. One site being reviewed is outside the Park. The site within the Park might turn out to be the preferred site, or the one outside might be. This will be dependent upon a wide complex of factors including water availability, land suitability, access, costs, amenities, commuting time and security. At such time as these plans get more developed they will be subject to NEPA compliance, including public review and input. That is probably to take place in 2002.

The reference on page 85 of the plan refers to "additional" housing for employees, not relocation of current housing. This would apply if the National Park Service in the future were to determine that additional housing were needed. The National Park Service currently has about 91 housing units within the park and about 45 transient trailer sites. Should future additional housing be required, one of the options that would be looked at very seriously would be building that additional housing outside of the Park. The purpose of this would be to try to limit the impact of additional Park housing on Park land and resources.

The National Park Service sees no current concern for Inyo County regarding the housing issue, since the National Park Service has no plans to relocate or reduce the number of employee housing units that are currently within the Park, except for the

## Comments

## Responses

### INYO COUNTY BOARD OF SUPERVISORS RESOLUTION NO. 2000-54

#### A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF INYO, STATE OF CALIFORNIA, ADDRESSING THE PROPOSED DEATH VALLEY NATIONAL PARK MANAGEMENT PLAN AND REVISED DRAFT ENVIRONMENTAL IMPACT STATEMENT

**WHEREAS**, this Board of Supervisors is required by State law to adopt and enforce a General Plan, as well as subordinate land use plans, policies and regulations to govern the current and future use of all land in the County, including, to the extent possible, land within the County owned by the United States and administered by the United States Department of the Interior, National Park Service; and

**WHEREAS**, under the California Desert Protection Act enacted in 1994 (hereinafter referred to as CDPA), and the regulations enacted thereunder, as established by Sec.307(b)(1) of that Act, the Park Service is required to consult with concerned local governments, in a meaningful and good faith manner, in the formulation and implementation of its land use policies and regulations; and

**WHEREAS**, the Death Valley National Park Superintendent has stated the Park Service is committed to the inclusion of public involvement in the process of rewriting the Revised Draft Environmental Impact Statement (hereinafter referred to as RDEIS) addressing the management of Death Valley National Park; and

**WHEREAS**, there exists a Collaborative Planning Memorandum of Understanding for the establishment of a Collaborative Planning Team that includes the Death Valley National Park Service and Inyo County, as well as other state and federal agencies; and

**WHEREAS**, on the 27<sup>th</sup> day of October 1998, the Inyo County Board of Supervisors requested its Planning Department to execute and participate in this Collaborative Planning Memorandum of Understanding in order to provide a forum to cooperatively address areas of mutual concern; and

**WHEREAS**, because the Inyo County Board of Supervisors desires to have meaningful input regarding the implementation of this Death Valley National Park Management Plan Preferred Alternative (hereinafter referred to as DVNPMP) and RDEIS; and

**WHEREAS**, various issues addressed in the DVNPMP and RDEIS involving Inyo County are subject to the administrative purview of federal statutes, i.e., CDPA, SEC. 306(a)(b) Grazing; CDPA, SEC. 708 Access to Private Property; Revised Statute of the 1866 Mining Act (hereinafter referred to as RS) - 2477 Status of Roads and CFR §36(a)(b) Mining; and

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of Inyo, State of California, that the issues identified by the Board concerning the RDEIS and DVNPMP are as follows:

possibility mentioned above where the county, to date has indicated no significant involvement.

On a related matter, since the 1980s the National Park Service has been developing collaborative office arrangements with local agencies outside of the Park. This includes the interagency visitor center in Lone Pine, California, the park ranger office in Bishop, California, the ranger station in Shoshone, California, the information station in Baker, California and the interagency facility in Lancaster, California. As a continuation of this cooperative effort the National Park Service is currently considering two programs. One is the possibility of stationing a park ranger in the Lone Pine area. The second is possibly establishing offices for a few employees in Beatty, Nevada in the near future. This will be used as workspace for a limited number of the Park's employee base. The National Park Service will maintain approximately the same level of offices and employees within the Park as in the past.

## Comments

## Responses

- INYO3 A. Although listed as the last priority for acquisition of private in-holdings within the Park, the Amfac properties, including the Furnace Creek Ranch and Inn, are identified as potential Park acquisitions, contingent upon the participation of a willing seller;
- [Comment: The purchase of these and other private in-holdings by the Park Service in Inyo County within Park boundaries would negatively impact County property tax revenues, and therefore would not be in the best interest of the County. Furthermore, the Land Use Element of the Inyo County General Plan promotes, by policy, the opposition to any net loss of privately owned property within the County, resulting from government acquisition.]*
- INYO4 B. Said documents recommend maintaining existing, valid grazing permits, subject to resource constraints, and the retirement of those no longer in use;
- [Comment: Inyo County supports this policy, with the position that any alteration or cessation of these activities be subject to public review under the provisions of the National Environmental Protection Act (NEPA).]*
- INYO5 C. Said documents, under Section 708 of the CDPA, obligate the Park Service to allow access to private in-holdings for reasonable use;
- [Comment: The County concurs with this policy, however, this Board restates its policy of opposing the net loss of privately owned property within the County resulting from government acquisition.]*
- INYO6 D. Said documents have deferred decisions on the status of roads within the Park, subject to RS - 2477 and a future analysis of roads in a forthcoming Backcountry/Wilderness Analysis;
- [Comment: Inyo County supports this policy, with the position that any limitation of access or closure of these roads be subject to public review under the provisions of the National Environmental Protection Act (NEPA), said statutes and any subsequent management plans.]*
- INYO7 E. Said documents support a policy of continued mining on valid claims subject to the provisions of CFR §36, 9(a)(b), with the long term intent of claim acquisition to consolidate Park ownership and promote the goals and vision of the Park's mission to manage the Park in as natural a state as possible;
- [Comment: The County concurs with the Park's position, however, maintenance of County roads within the Park, specifically in the Saline Valley, will require the County to continue operating borrow pits to perpetuate the current level of maintenance. The County believes this is clearly in the best interest of the Park, as continued access to this area is supported in said documents and promoted by proposed Park management policies. Additionally, the County expresses concern with the mandated need to provide emergency maintenance. The County has identified, and described in the attached*

INYO3: Comment noted.

INYO4: Comment noted.

INYO5: Comment noted.

INYO6: Comment noted.

INYO7: This is the same comment as DOC5. Please refer to the response to DOC5.

In addition to our response to DOC5, the National Park Service is very amenable to working with Inyo County to determine and resolve any questions of location, need and legal status of the borrow pits. We believe that some of the pits may be within Congressionally designated wilderness. Where this is the case the National Park Service has no authority to change the mandates of Congress. In these cases the county may wish to work through the Congressional process to resolve this matter. If there are borrow pits within the Park that are outside of wilderness, the National Park Service has the authority to authorize the county to utilize the pits given NEPA compliance and resource, safety, and aesthetic considerations. The National Park Service will be pleased to work with the county to reach full understanding and resolution to this matter.



## Comments

## Responses

INYO7  
cont.

*"Exhibit A", the location of said borrow pits and will propose the adoption of a Memorandum of Understanding with the Park Service to address this issue.]*

INYO8

F. Said documents recognize the regulatory authority of Inyo County on privately owned property within the Park, with respect to land use, health and safety services:

*[Comment: Inyo County believes its regulatory authority is compatible with the long term purpose and goals of the Park and will be exercised in a responsible and supportive direction.]*

INYO9

G. Said documents have deferred specific management direction concerning the status of specific roads and the management of the Saline Valley recreation area to future determination and specific management plans:

*[Comment: On behalf of the citizens of Inyo County and the recreating public, the County requests that the forthcoming Saline Valley Management Plan, the Backcountry/Wilderness Plan, and validity status of roads under RS - 2477 be subject to public review with respect to NEPA and all the applicable statutes.]*

INYO8: Comment noted.

INYO9: Comment noted.

PASSED AND ADOPTED THIS 5th DAY OF DECEMBER 2000, BY THE FOLLOWING VOTE:

AYES: Supervisors Arcularius, Bear, Hambleton, and Dorame

NOES: -0-

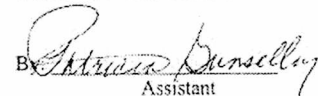
ABSTAIN: -0-

ABSENT: Supervisor Lent



Michael Dorame, Chairperson  
Inyo County Board of Supervisors

ATTEST:  
RENÉ MENDEZ  
CLERK OF THE BOARD

By   
Assistant

## Comments

## Responses



Jeffrey S. Jewett, Road Commissioner  
Robert Brown, Road Superintendent

**ROAD DEPARTMENT**  
P.O. DRAWER Q  
INDEPENDENCE, CA 93526  
PHONE: (760) 878-0201  
FAX: (760) 878-2001

COUNTY  
OF  
**INYO**

## EXHIBIT A

## Comments

## Responses

42

### LEE FLAT BORROW SITE

#### GENERAL INFORMATION

Project Name : Lee Flat Borrow Site  
Commodity to be Mined : Decomposed Granite  
Estimated Annual Production : As needed  
Operator : Inyo County Road Department  
Owner Surface / Mining Rights : National Park Service / Death Valley

#### LOCATION # 1

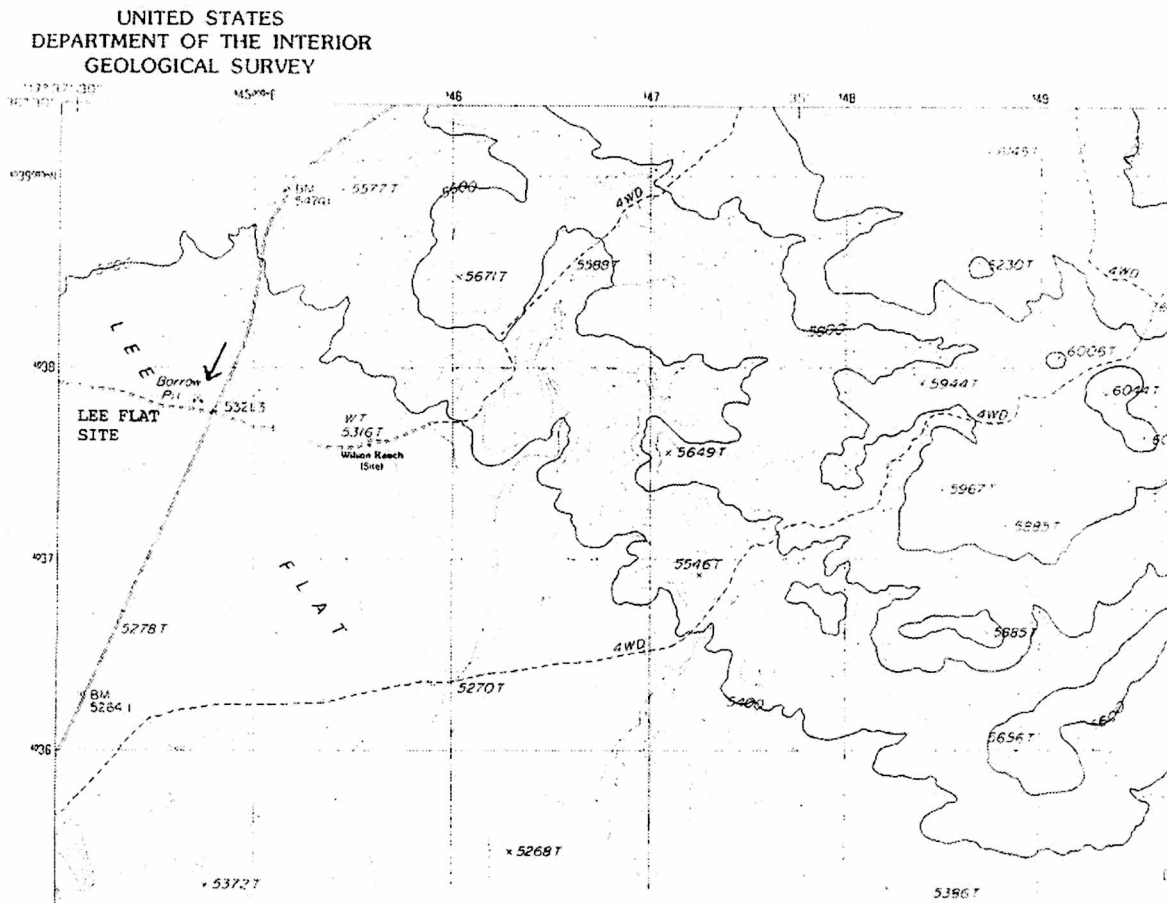
From Hwy 190 and Saline Valley intersection 9.6 miles

Section:-13 Township:-16-S Range:- 40-E Elevation- 5,320 feet

Base and Meridian:- MDBM Latitude :- 36-29-09 Longitude :-117-37-04

U.S. Geological Survey  
Lee Wash 7.5  
Quadrangle Map

Attached is a 7.5 Quadrangle map of this site.



## Comments

## Responses

44

### TIN BARN BORROW SITE

#### GENERAL INFORMATION

**Project Name :** Tin Barn Borrow Site  
**Commodity to be Mined :** Decomposed Granite  
**Estimated Annual Production :** As needed  
**Operator :** Inyo County Road Department  
**Owner Surface / Mining Rights :** National Park Service / Death Valley

#### LOCATION # 3

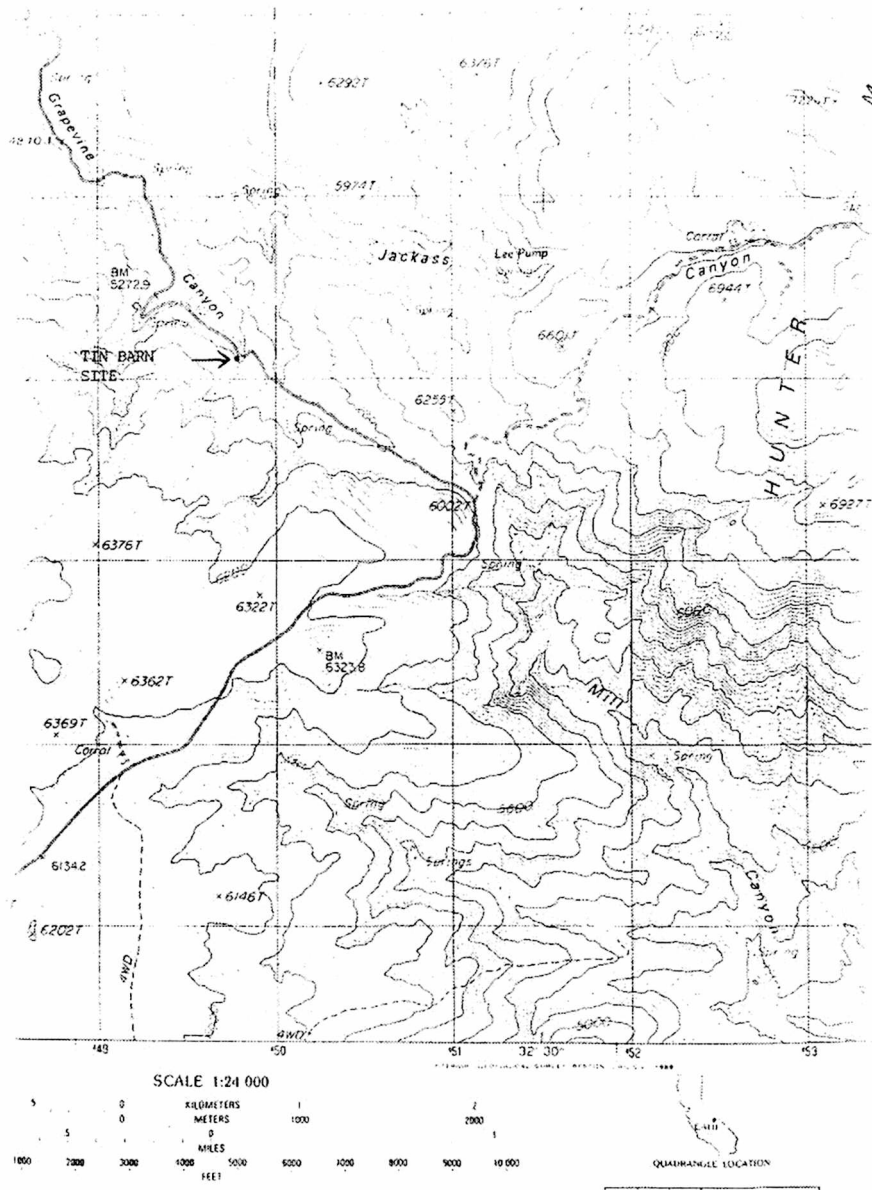
From Hwy 190 and Saline Valley intersection 16.6 miles

**Section:- Township:- Range:-** Not surveyed **Elevation-** 5,655 feet

**Base and Meridian:-** MDBM **Latitude :-** 36-31-55 **Longitude :-** 117-33-44

U.S. Geological Survey  
Jackass Canyon 7.5  
Quadrangle Map

Attached is a 7.5 Quadrangle map of this site.





## Comments

## Responses

46

### CAMP BORROW SITE

#### GENERAL INFORMATION

Project Name : Camp Borrow Site  
Commodity to be Mined : Decomposed Granite  
Estimated Annual Production : As needed  
Operator : Inyo County Road Department  
Owner Surface / Mining Rights : National Park Service / Death Valley

#### LOCATION # 5

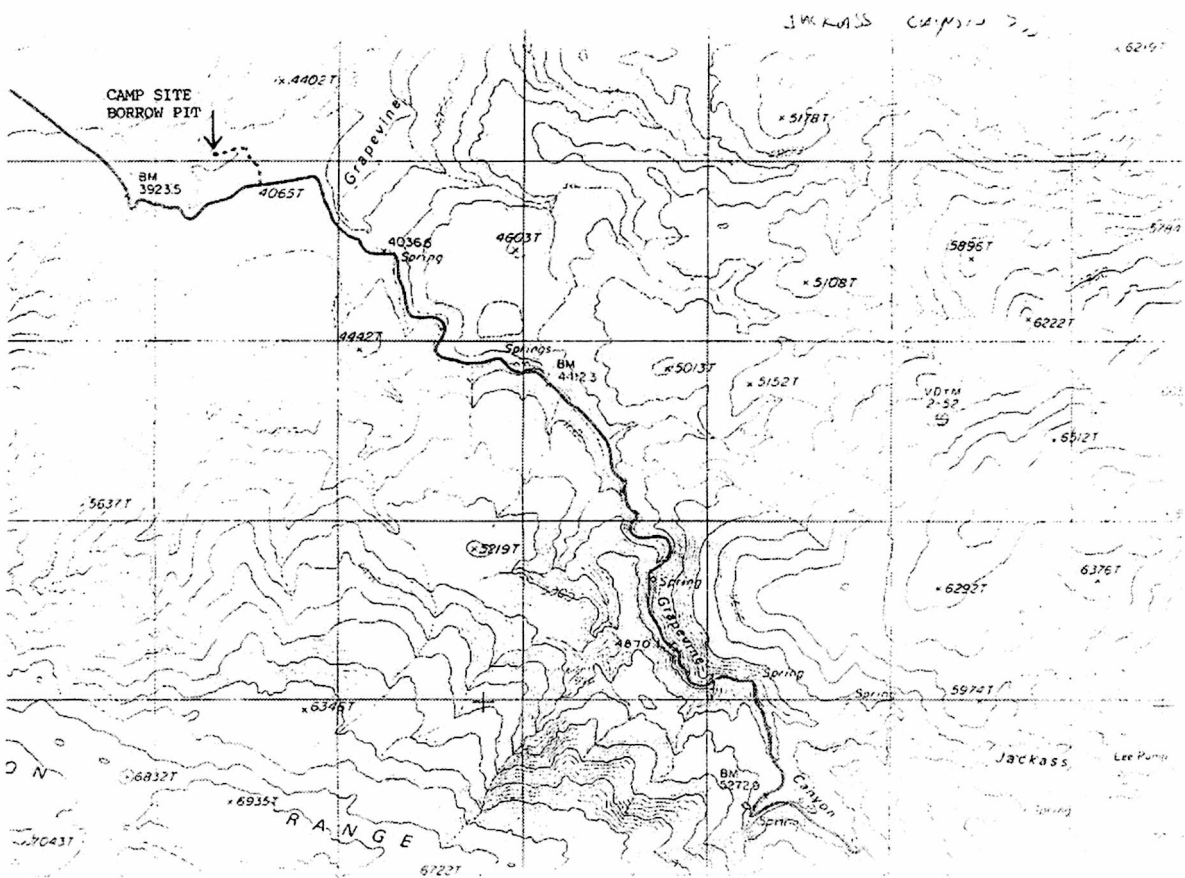
From Hwy 190 and Saline Valley intersection 20.6 miles

Section:- Township:- Range:- Not surveyed Elevation- 4,000 feet

Base and Meridian:- MDBM Latitude :- 36-34-10 Longitude :-117-35-54

U.S. Geological Survey  
Jackass Canyon 7.5  
Quadrangle Map

Attached is a 7.5 Quadrangle map of this site.



## Comments

## Responses

48

### WAUCOBA BORROW SITE

#### GENERAL INFORMATION

Project Name : Waucoba Borrow Site  
Commodity to be Mined : Decomposed Granite  
Estimated Annual Production : As needed  
Operator : Inyo County Road Department  
Owner Surface / Mining Rights : National Park Service / Death Valley

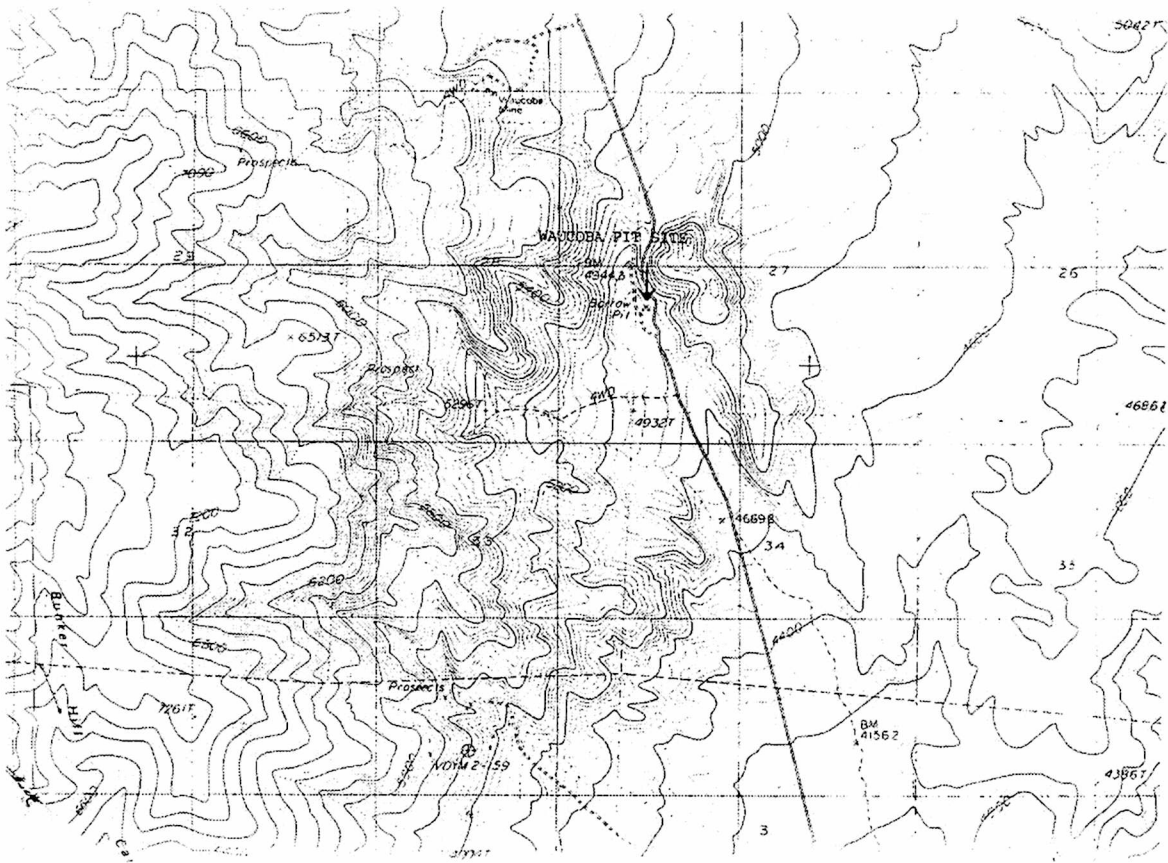
#### LOCATION # 8

From Hwy 190 and Saline Valley intersection 61.4 miles

Section:-28 Township:-11-S Range:-37-E Elevation- 5,000 feet

Base and Meridian:- MDBM Latitude :- 36-57-38 Longitude :-117-55-42

U.S. Geological Survey  
Waucoba Canyon 7.5  
Quadrangle Map



# COMMENTS FROM INDIVIDUALS AND ORGANIZATIONS

Since many comments were received from individuals and organizations, we attempted to capture the essence of the substantive comments and provide a summary of similar comments (*shown in italics*) to which we then provide a response. The guide to comment subjects is organized under the same major headings as the *Revised Draft Environmental Impact Statement and General Management Plan* that was released in July 2000. The subheadings and the items listed under them are intended to provide a tool for finding the agency response to comments received on that draft plan.

## Guide to Comment Subjects

|                                                    |           |
|----------------------------------------------------|-----------|
| <b>NATURAL RESOURCES .....</b>                     | <b>52</b> |
| AIR QUALITY/VISIBILITY .....                       | 52        |
| NOISE AND OVERFLIGHTS .....                        | 52        |
| WATER RESOURCES .....                              | 53        |
| Springs, Floodplains, Wetland Areas .....          | 53        |
| Water Use .....                                    | 53        |
| Water Rights .....                                 | 54        |
| SENSITIVE SPECIES AND HABITATS .....               | 54        |
| Desert Tortoise .....                              | 54        |
| Unique Plant Assemblages .....                     | 54        |
| Eureka Dunes .....                                 | 54        |
| Sensitive Species Table C-2 .....                  | 54        |
| Other .....                                        | 55        |
| INTRODUCED SPECIES .....                           | 55        |
| FIRE MANAGEMENT .....                              | 55        |
| INVENTORYING AND MONITORING .....                  | 56        |
| <b>CULTURAL RESOURCES .....</b>                    | <b>57</b> |
| <b>VISITOR USE, SERVICES, AND FACILITIES .....</b> | <b>58</b> |
| INTERPRETATION .....                               | 58        |
| Interpretive Themes .....                          | 58        |
| EXISTING AND PROPOSED FACILITIES .....             | 58        |
| RECREATIONAL ACTIVITIES .....                      | 58        |
| Backcountry Camping .....                          | 58        |
| Campfires .....                                    | 58        |
| Group Size .....                                   | 59        |
| Other .....                                        | 60        |
| Visitor Use in Saline Valley .....                 | 60        |
| Airstrips .....                                    | 60        |
| Management .....                                   | 61        |
| Site Plan .....                                    | 61        |
| Other .....                                        | 61        |
| VISITOR USE LEVELS .....                           | 61        |
| VISITOR USE FEES .....                             | 62        |
| COMMERCIAL USE AND SERVICES .....                  | 62        |

|                                                    |           |
|----------------------------------------------------|-----------|
| Telecommunications Towers.....                     | 62        |
| Commercial Aviation .....                          | 62        |
| <b>GENERAL DEVELOPMENT CONCEPTS .....</b>          | <b>64</b> |
| STOVEPIPE WELLS .....                              | 64        |
| WILDROSE .....                                     | 64        |
| <b>SOCIOECONOMICS.....</b>                         | <b>65</b> |
| <b>ROADS AND CIRCULATION.....</b>                  | <b>66</b> |
| INVENTORY .....                                    | 66        |
| MAINTENANCE .....                                  | 66        |
| OFFROAD VEHICLE USE.....                           | 66        |
| RIGHTS-OF-WAY.....                                 | 67        |
| TRAILS .....                                       | 67        |
| OTHER.....                                         | 67        |
| <b>LANDOWNERSHIP AND USE .....</b>                 | <b>68</b> |
| PARK BOUNDARY AND AUTHORIZED ACREAGE.....          | 68        |
| WILDERNESS .....                                   | 68        |
| Access.....                                        | 68        |
| Backcountry Cabins .....                           | 69        |
| Buffer Zones.....                                  | 69        |
| Boundaries and Maps .....                          | 69        |
| Interpretive Theme .....                           | 70        |
| Other.....                                         | 70        |
| LAND PROTECTION PLAN .....                         | 71        |
| Incompatible Uses .....                            | 71        |
| MINERAL DEVELOPMENTS .....                         | 71        |
| GRAZING/CATTLE MANAGEMENT .....                    | 73        |
| Removal of Cattle.....                             | 73        |
| Water Developments .....                           | 74        |
| Grazing in Wilderness.....                         | 74        |
| Management .....                                   | 75        |
| <b>OTHER TOPICS .....</b>                          | <b>76</b> |
| ADMINISTRATIVE FACILITIES.....                     | 76        |
| COOPERATIVE MANAGEMENT .....                       | 77        |
| REVISED DRAFT ENVIRONMENTAL IMPACT STATEMENT ..... | 77        |
| Alternatives .....                                 | 77        |
| Other.....                                         | 78        |
| FUTURE PLANNING .....                              | 79        |

# NATURAL RESOURCES

## Air Quality/Visibility

*Comment: The NPS objective of redesignating Death Valley National Park from Class II air quality to Class I is very questionable.*

*Response:* The National Park Service disagrees. Good air quality is very important to the scenic and inspirational values of Death Valley National Park, and to the local tourist industry. As stated on page 63 in the *Comments and Responses on the Draft EIS and GMP*, July, 2000: “The Park has no authority to regulate activities outside of its boundaries. The Park would, however, react to activities outside of its boundaries, similar to any neighbor reacting to an action or a proposed action being initiated by its neighbor. Concerns would be expressed under either class I or II designation about the potential effects of any development on Park air quality. The Prevention of Significant Deterioration program is an element of the Clean Air Act that applies, in various ways, to all three classes. Neither the redesignation to class I, nor the viewshed and night sky policies, were projected in our socioeconomic study as having a significant socioeconomic effect on the region. However, a redesignation would help ensure that the air quality of Death Valley was protected, especially from airborne particulates and sulfur dioxide. Any proposed new sources of pollution that could impact the air quality of the Park would have to take mitigating measures to ensure no adverse effect.”

## Noise and Overflights

*Comment: The U.S. Navy's 1998 comment to the third paragraph on page 113 of the draft EIS was not addressed, although the response to the comment indicates that changes to the third paragraph of the draft EIS were made.*

*Response:* The National Park Service had intended to include the comments from the U.S. Navy regarding aircraft overflights in the *Revised Draft Environmental Impact Statement*. Unfortunately through an oversight the comment did not get included in the Revised Draft EIS. The National Park Service repeats its commitment to revise the text as recommended by the U.S. Navy. See “Corrections and Revisions” section.

*Comment: Specific guidelines should be adopted for a noise-monitoring program and should be included in the revised draft plan.*

*Response:* As stated on p. 64 in the *Comments and Responses on the Draft EIS and GMP*, July 2000: “A request for funding to begin a noise-monitoring program will be made in the Park's *Resource Management Plan* update.”

*Comment: Military overflights should be defined and measured, and the Park should have discussions about it with the military.*

*Response:* As stated on p. 64 in the *Comments and Responses on the Draft EIS and GMP*, July 2000: “The Park is a member of a recently established interagency overflight task force with the military that is beginning to address low-level flights over NPS units and BLM wilderness areas. Because overflights are legislatively authorized, some activity will continue to occur, but mitigation of noise



will be of primary concern. A clarifying statement was added indicating that previous agreements with Edwards AFB will be incorporated into future overflight agreements with the military.”

## **Water Resources**

### **Springs, Floodplains, Wetland Areas**

*Comment: Water should be prioritized for habitat restoration and endemic species protection at Texas Spring and Travertine Spring in the Furnace Creek area.*

*Response:* While this is a site-specific issue and of more detail than can be included in the *General Management Plan*, the National Park Service agrees with the California Department of Fish and Game that it is an issue of significance within Death Valley National Park. For information purposes the National Park Service is currently initiating a focused environmental impact statement specifically to address the Travertine and Texas Springs issues of the environment, of the law, of water rights, of facility management, of public health, of highway safety and other considerations. Water rights in the area are complex since Amfac Parks and Resorts, as a private inholder, has a significant water right, the Timbisha Shoshone Tribe was granted a water right by recent legislation and the National Park Service uses a small amount of water for camping and visitor center facilities. Significant conservation efforts have occurred in recent years, but the process needs analysis, planning, priorities and procedures. Public scoping meetings for the environmental impact statement will be held and alternatives developed. The process is expected to take two to three years to complete. Out of this will come a water management plan to address all concerns.

We believe this demonstrates the value of the NPS-tiered planning process. The general management plan provides general guidance and we then follow-up with specific plans and NEPA compliance to address detailed programs such as Travertine and Texas Springs water issues.

### **Water Use**

*Comments: In the “Environmental Consequences” section, include a discussion of the potential negative impacts of increased visitor use of the Park on water resources and include a discussion of water conservation measures underway and planned for the future.*

*Response:* While there is the possibility that increased water use might have negative impacts on water resources within the Park, that has not been the experience since the Park was established in 1933. The management of the Park has aggressively moved to implement several significant improvements in water conservation, restoration of natural flows in many areas, removal of a great many water-using exotic species and the elimination of several maintained lawns and vegetated areas. Much is being done currently such as removal of athel tamarisk in Furnace Creek Wash, removal of oleanders near NPS headquarters and removal of palms in several areas within the Park. These plants are exotic and use great quantities of water. Their removal allows the water to be used by native species and other natural processes. Continued exotic plant species removal and site restoration would be conducted by Park staff and volunteers.

## **Water Rights**

Comment: Add a bullet to the list of principles for managing and protecting federal reserved water rights on page 65–66 that says: “identify as a federally reserved water right all unappropriated water from any water source identified on federal lands within the boundaries of the park.”

Response: On page 65 of the *Revised Draft Environmental Impact Statement and General Management Plan* it is stated that under section 706 of the California Desert Protection Act that the Park will manage and protect federal reserved water rights. See “Corrections and Revisions” section.

## **Sensitive Species and Habitats**

### **Desert Tortoise**

Comment: NPS biological staff should become active with the Desert Tortoise Oversight Group to coordinate with overall tortoise planning across the desert.

Response: The National Park Service agrees with the comment.

### **Unique Plant Assemblages**

Comment: Few unique vegetation types are recognized in the Revised Draft EIS.

Response: Page 68 of Revised Draft EIS addresses management of sensitive habitats.

### **Eureka Dunes**

Comment: Determine whether sand sledding and skiing at Eureka Dunes are appropriate activities in the Park.

Response: On March 27, 2001, the Death Valley National Park superintendent decided to prohibit sandboarding and sand skiing on the Eureka Dunes. The specific details of these closures will be worked out. The National Park Service has initiated a variety of management actions designed to assure the protection of the species such as closures the airstrip, improved barriers, a major increase in ranger patrols and use monitoring, a plant monitoring protocol and a two-stage site planning process the first phase for which NEPA compliance has been completed. The first phase will move both parking areas away from the dunes, but still within walking distance, will close many redundant and short-cut roads, will provide better interpretation and will provide more direction. The second phase of the site-specific planning process will go into more detail on areas along the road toward Steel Pass and other issues.

## **Sensitive Species Table C-2**

Comment: Six additional sensitive species should be added to Table C-2, *Plants of Special Consideration Recorded in Death Valley National Park*.

Response: These species have been added to Table C-2. See “Corrections and Revisions” section.

## Other

*Comments: The Plan should include priorities and specific guidance for management and conservation of biotic resources.*

*The General Management Plan should include a commitment to develop guidelines for biotic resources within the Park's Resource Management Plan (RMP) and the RMP should cover the entire Park, not just newly acquired lands.*

Response: The National Park Service continues to believe that specific programs for the management of biotic resources is of such detail and such a magnitude that it would not be feasible to include that information within this plan, which is purposely a very general, overarching document. We agree with the California Department of Fish and Game on a statement regarding the management of biotic resources. We also concur with the California Department of Fish and Game regarding the inclusion of the entire Park in the Resource Management Plan, rather than just the newly acquired lands and we will note that in the *General Management Plan*.

*Comment: No desired future conditions are given for habitats. The National Park Service responded to the California Department of Fish and Game January 12, 1999 comment indicating that desired future conditions statements would be added to the General Management Plan, but the department is unable to locate them in the current draft.*

Response: The National Park Service had intended to include language in the *Revised Draft Environmental Impact Statement* that addressed this comment. Because of a drafting error, unfortunately the language did not get included. The National Park Service repeats its commitment to include language as suggested by CDFG3.

## Introduced Species

*Comment: China Garden Spring is outside the boundaries of Death Valley NP and should not be listed as containing exotic species.*

Response: The statement regarding goldfish at China Garden Spring on page 123 of the *Revised Draft Environmental Impact Statement* under "aquatics" has been removed.

*Comment: Do not introduce any nonnative species into the Park for any reason, including historical landscaping.*

Response: The Park will follow all NPS policy guidelines regarding native and nonnative species within Death Valley NP, including historic preservation within cultural landscape zones.

## Fire Management

*Comment: The General Management Plan should discuss the importance of fire in the desert ecosystem.*

Response: The National Park Service agrees with this and the concept is adequately stated on pages 70–71 of the *Revised Draft EIS* and will be further discussed in the specific Park fire management plan.

## Inventorying and Monitoring

Comment: *The California Department of Fish and Game believes that funding for inventory and monitoring would be easier to obtain if the Park had an inventory and monitoring plan in existence.*

Response: From the standpoint of obtaining funding for inventory and monitoring programs, the National Park Service is in agreement with this statement. Since inventory and monitoring programs are specific to the resource being inventoried and monitored, any comprehensive plan must be very general in nature. The Park staff have aggressively pursued funding for inventorying and monitoring programs and there is a distinct possibility that some funding will be received in the next years.

Comment: *The Park should make inventorying and monitoring a priority for new planning activities.*

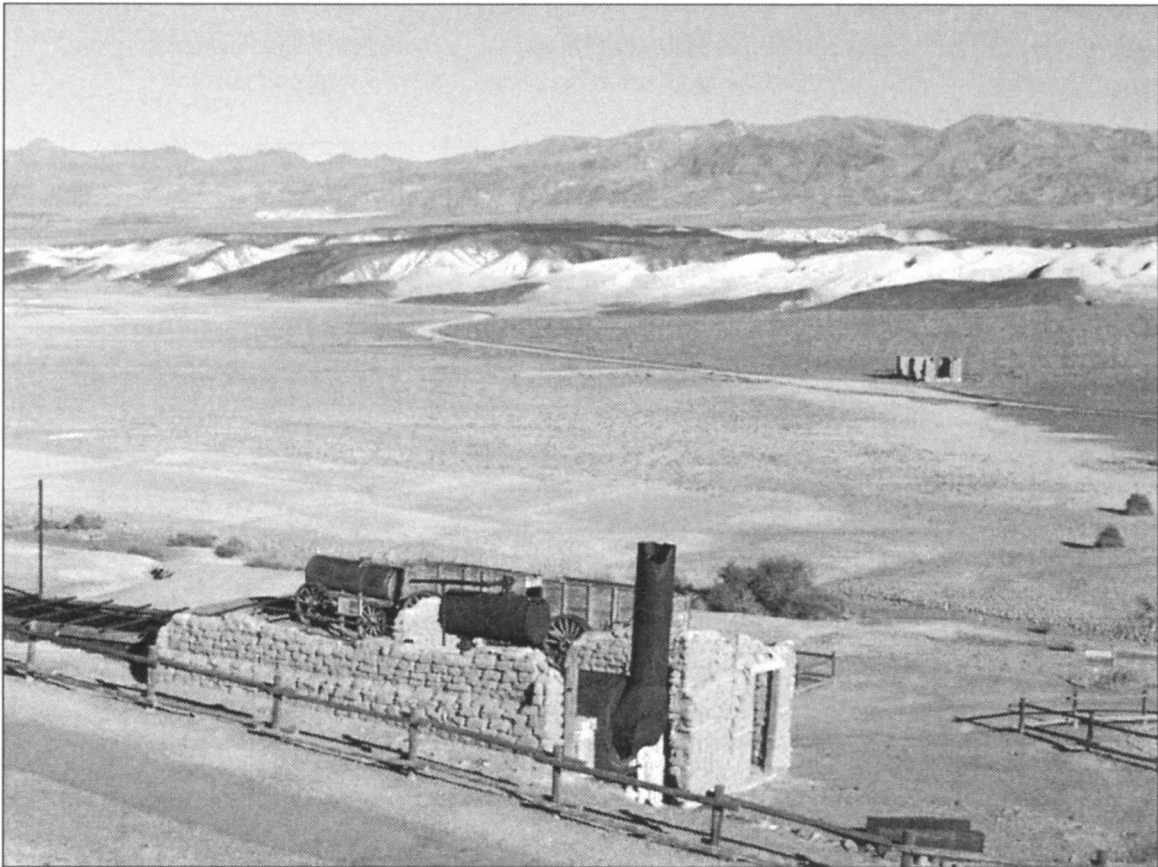
Response: The National Park Service recognizes, as stated on page 67 of the 1998 draft EIS / GMP, the importance of an inventorying and monitoring program. The Revised Draft EIS / GMP is being revised to indicate that inventorying and monitoring is a priority of the Park. Aspects of such a program are in place and operational, such as air quality monitoring and monitoring of the water level and fish at Devils Hole. A national NPS program and funding is programmed to begin in the near future, and all NPS units would be allowed to submit proposals requesting funding.



## CULTURAL RESOURCES

*Comment: In the General Management Plan under the "Cultural Resources" and "Native Americans," sections identifying and interpreting archeological sites is neither rejected or recommended within the document.*

Response: The Park has interpreted some archeological sites in the past. The Park has no plans to identify or mark any archeological sites in the future.



# VISITOR USE, SERVICES, AND FACILITIES

## Interpretation

### Interpretive Themes

*Comment: Include enhancing the understanding of the role mining and humans played in the settlement of the west in the "Interpretive Services" section.*

*Response:* The National Park Service believes that the general statement in the "Interpretive Services" section adequately addresses the history and importance of mining in the settlement of the west. Death Valley National Park devotes considerable effort, expertise, curation, educational programs and media, interpretation, and preservation regarding this subject.

### Existing and Proposed Facilities

*Comment: The final environmental impact statement should include a table comparing existing and proposed facilities and the capacity of the facilities to accommodate NPS staff and visitors.*

*Response:* The National Park Service plans very limited future new development within the Park. It is anticipated that some new facilities would be developed outside or on the edges of the Park as visitation increases.

*Comment: Identify how resource protection goals will influence decisions about campground improvements.*

*Response:* Any future campground developments will include an analysis of resource impacts and allow for public comment before any decisions are finalized.

## Recreational Activities

### Backcountry Camping

#### *Campfires*

*Comment: The Death Valley National Park Advisory Commission encourages the National Park Service to examine methods which will allow for backcountry campfires, such as a permit system.*

*Response:* The National Park Service agrees that campfires are quite enjoyable and a traditional visitor activity. That is why campfires are allowed in the Park campgrounds. Campfires also have a very unfortunate history of causing irreparable damage to Park resources, specifically historic cabins and other structures. The history of fire damage from escaped human started fires within Death Valley National Park is extensive and very troubling. Neither the National Park Service nor any other agency has been successful in suppressing or controlling escaped fires once they get out of control in the Death Valley area. Distances from fire fighting facilities and staff are very long. The roads and other means of access are very difficult. Aircraft for fire fighting are sometimes difficult to obtain.



Water is rarely available. Very often fire fighting staff are completely unaware of an escaped fire until it becomes completely out of control or the structure is destroyed.

In addition, a small percentage of campfire builders are less conscientious regarding the gathering of wood for a campfire. The incidents of campfire builders ripping siding off of historic structures are, unfortunately, all too common. Once the siding is gone, it is gone forever and cannot be replaced.

The National Park Service has decades long experience with limiting campfires in the old Death Valley National Monument to developed and designated campgrounds only. The National Park Service believes that this was a significantly successful policy, that it allowed for the preservation of many structures that could have been otherwise destroyed by the careless use of fire, and that the public benefited from this policy by being able to learn from and enjoy these facilities. In addition, this did not preclude the visitor's ability to enjoy campfires since they could be used in the campgrounds.

Given these considerations the National Park Service is quite hesitant to permit the use of campfires at random locations within the Park backcountry, even under a permit system. Accordingly, the National Park Service will review the situation in the future and provide a reasoned and consistent policy that will reflect our mandate to preserve Park resources and still provide for visitor enjoyment.

### ***Group Size***

*Comment: The Death Valley National Park Advisory Commission recommends that the National Park Service address the group size limit for special use permits in the Park's backcountry/ wilderness management plan rather than the General Management Plan and it be based upon a statistical or other rational approach.*

Response: The National Park Service agrees that the group size limit should be further addressed and more detail included in the Park's backcountry and wilderness management plan. The National Park Service is of the opinion that the limits are reasonable, appropriate, and well-thought-out for the reasons outlined below.

The National Park Service has determined that the top number of vehicles allowed in a group for backcountry road use is 20 vehicles or 40 motorcycles. This is a reduction from the up to 400 motorcycles that were formerly allowed until 1995. The National Park Service has concluded that over 20 vehicles or 40 motorcycles is an intrusion and inappropriate in the Park backcountry. The National Park Service went to U.S. District Court in 1996 to establish this top limit and the Court agreed. With this top limit, it is the National Park Service's opinion that 16 or more people or 7 or more vehicles in a group should have a permit for backcountry camping. This is a camping permit, not a day use permit. There is no requirement for a day use permit. The National Park Service believes that this camping and vehicle limit is based on a well-thought-out and very rational approach for the following reasons:

- Many backcountry camping areas are too small to accommodate more than 16 people.
- Sixteen people need an average of 7 vehicles for transportation of people and equipment.
- Large groups tend to make a cumulative impact on backcountry camping areas.
- The permit process gives the National Park Service an opportunity to educate groups on minimum impact camping techniques.



- The permit process is constructed so that the National Park Service can educate groups on camping areas that are appropriate and that can handle their group size.
- Large groups tend to disturb smaller groups or families that are looking for the solitude of the desert.
- The permit process allows the National Park Service to educate groups on non-disturbance etiquette.
- The permit process is designed so that the National Park Service can recommend areas to preclude the congregating of several groups in one area at once.
- Should a particular area of the backcountry be extra-sensitive for some reason, such as a sensitive species, the National Park Service can recommend alternative areas to a large group.

Given these reasons, the National Park Service is of the view that the special use permit requirements are reasonable and appropriate. The National Park Service is fully in agreement with the Advisory Commission that the groups size limit should be further addressed and more detail included in the backcountry and wilderness management plan. It seems reasonable as a matter of public education and awareness that this information remains in the *General Management Plan*.

### ***Other***

*Comment:* *The Park should use a more preemptive strategy to address impacts caused by backcountry camping.*

*Response:* Where sensitive areas have the potential to receive adverse impacts, designated backcountry camping sites may be established. This will be addressed by a backcountry and wilderness management plan.

*Comment:* *Provide information regarding the impact of the annual 49er encampment.*

*Response:* The 49er encampment is an annual gathering of an organization that supports and interprets the historical era of the gold seekers who passed through the Death Valley area in 1849. This group has long-standing and traditional ties to the former Monument and current Park. This group has supported and funded several of the current facilities at Furnace Creek and funded substantial research relative to the history of Death Valley. The annual “encampment” has been smaller in the 1990s than in the 1970s and 1980s. The encampment takes place primarily in the Furnace Creek and Stovepipe Wells areas. The participants stay in the NPS campgrounds and conduct their activities in approved Park areas or on private property. The Park staff works closely with the organization and approves (through a memorandum of understanding) any activities that require special consideration.

## **Visitor Use in Saline Valley**

### ***Airstrips***

*Comment:* *The National Park Service should conduct an analysis of the Chicken Strip airstrip to determine whether to retain it under 36 CFR, or whether it should be closed due to safety and/or resource impact concerns and pursuant to new regulations that reflect the necessary public process, consultation with state and federal aviation officials, and Federal Aviation Administration (FAA) consent in order to close an airstrip on federal land administered by the Secretary of the Interior or Agriculture.*

Response: The National Park Service agrees, pursuant to new regulations, and all appropriate concerns (environmental impacts, safety, need, etc.) will be addressed before any decision on the future of the Chicken Strip airstrip will be finalized.

### ***Management***

Comment: *The National Park Service expresses a goal to manage Saline Valley Warm Springs in a manner where all members of the public feel welcome. How will the National Park Service accomplish this?*

Response: This will be developed through the site planning process. Obviously there will be variant opinions at the onset of the site plan. The National Park Service is confident that agreeable approaches can be created through communications and understanding between all user groups.

### ***Site Plan***

Comment: *There is a need for public involvement for developing a site plan for Saline Valley Warm Springs.*

Response: As stated on p.91 in *Comments and Responses on the Draft EIS and GMP*, July 2000: "Management goals were identified on page 76 of the 1998 draft plan. Additional wording has been added to further clarify management goals. The future site plan for the Saline Valley Warm Springs will place an emphasis on natural, cultural resources protection, and environmental restoration.' Wording in the Revised Draft EIS / GMP was changed to indicate that the management plan would be developed with input from all interested members of the public, not just user groups. The NEPA process will be used in this plan."

### ***Other***

Comment: *The new outhouse facility was placed at the Saline Valley Warm Springs area without public notice. There are also concerns about the accessibility and frequency of pumping the toilet.*

Response: The National Park Service has responsibilities to provide for proper health and sanitation in public use areas. This was the primary reason to install the vault toilet at Saline Valley Warm Springs. The prior outhouses were not consistent with the sanitary needs for the number of visitors to the warm spring site and were a source of point pollution for the area. As to the frequency of the pumping schedule for the vault toilet, the National Park Service will ensure that the toilet will be pumped at necessary intervals to maintain the toilet. As the toilet is relatively new, the Park is monitoring the site to determine an adequate pumping frequency. The Park is amenable to considering other types of toilet facilities including composting toilets.

Comment: *The third alternative for the Saline Valley Warm Springs encourages unlimited car camping on the whole length of the Steel Pass Corridor.*

Response: Alternative 3 is listed as an option but is not the NPS preferred alternative.

## **Visitor Use Levels**

Comment: *Include a projection of future visitor use levels in the Final EIS and discuss how the National Park Service plans to accommodate or manage these future use levels.*

Response: The National Park Service agrees that projections of future use levels would be helpful in planning efforts. In general throughout the National Park Service, visitor uses tend to grow at a nationwide average of about 3% per year. A projection system for a specific park that can predict growth in visitor use with any significant degree of accuracy for a certain timeframe has yet to be developed. Growth in visitation tends to occur in specific parks by occasional periods of fairly rapid growth, usually fueled by external factors that are notoriously difficult to predict.

Regarding NPS plans to manage increases in visitation, the National Park Service believes that current transportation systems, accommodations, facilities, and resource conservation programs are very adequate to meet or exceed best projections for the foreseeable future. The National Park Service believes that staffing levels, support from volunteers, and cooperating organizations and accommodations outside the Park may need to be enhanced as visitation increases.

## **Visitor Use Fees**

Comment: *Provide information on the Park's fee collection revenue.*

Response: Information on fee collection was provided on p. 94 in *Comments and Responses on the Draft EIS and GMP*, July, 2000: "The current recreational fee demonstration program that was initiated by Congress currently allows for the Park to retain 80 percent of the entrance and recreational fees that are collected. In 1998, Park staff estimated that 20–21 percent of the 1,200,000 annual visitors paid an entrance fee. If the Park was able to collect fees from a larger percentage of an estimated 1,200,000 annual visitors at \$10.00 per vehicle, the Park would be able to retain more funds for Park improvements and visitor programs per year. The fee collection program is self-supporting. This level of detail is not included within this plan but is being handled at the Park administrative level."

## **Commercial Use and Services**

### **Telecommunications Towers**

Comment: *The telecommunications tower on Mormon Peak should be listed as a commercial operation within the Park.*

Response: Communications sites within the Park are necessary for the administration of the Park and wilderness resources including fire management, wilderness management, emergency services, law enforcement, search and rescue, control, and monitoring of illegal incursions into wilderness, restoration of wilderness and the primeval character of wilderness in remote locations, the removal of alien species, reclamation of past mining activities in wilderness, the protection and management of sensitive wildlife and plant species in wilderness and is purposefully for the management of wilderness. References to expansion and increased footprint at communication sites are inaccurate. Technological enhancements that are not of a physical nature may be considered where necessary for the management of wilderness resources.

### **Commercial Aviation**

Comment: *Commercial aviation should be banned and private aviation should be reduced in Death Valley NP.*

Response: As stated on p. 96 in *Comments and Responses on the Draft EIS and GMP*, July, 2000: An alternative is included that would permanently eliminate airstrips within the Saline Valley. The proposed action calls for the review of the appropriateness and safety of the Chicken Strip airstrip as part of the Saline Valley site plan. The Park believes the airstrip at Furnace Creek has value to its operations, as well as serving the public. The Park has no authority to limit commercial airlines from flying over the Park at this time. The Park Service is presently working with the FAA to develop national standards for commercial overflights in NPS units.



# GENERAL DEVELOPMENT CONCEPTS

## Stovepipe Wells

Comment: *The Stovepipe Wells area should remain as is, with the campground and concession operation remaining at the current size and level of operation.*

Response: The Park agrees as is identified in alternative 1 regarding the Stovepipe Wells concession operation and campground.

Comment: *The National Park Service should manage the Stovepipe Wells airstrip by converting a paved section of the existing airstrip for helicopter use and convert the remainder of the current strip to a gravel strip.*

Response: Due to the low use level and cost of maintaining the paved airstrip, the National Park Service favors this alternative.

Comment: *Retain the existing paved airstrip at Stovepipe Wells.*

Response: The Park supports retaining the airstrip as a gravel strip with a helicopter pad due to the expense of maintaining a paved airstrip.

## Wildrose

Comment: *On page 84 of the Revised Draft EIS / GMP, it is unclear from the text what type of development is under consideration for the Wildrose area.*

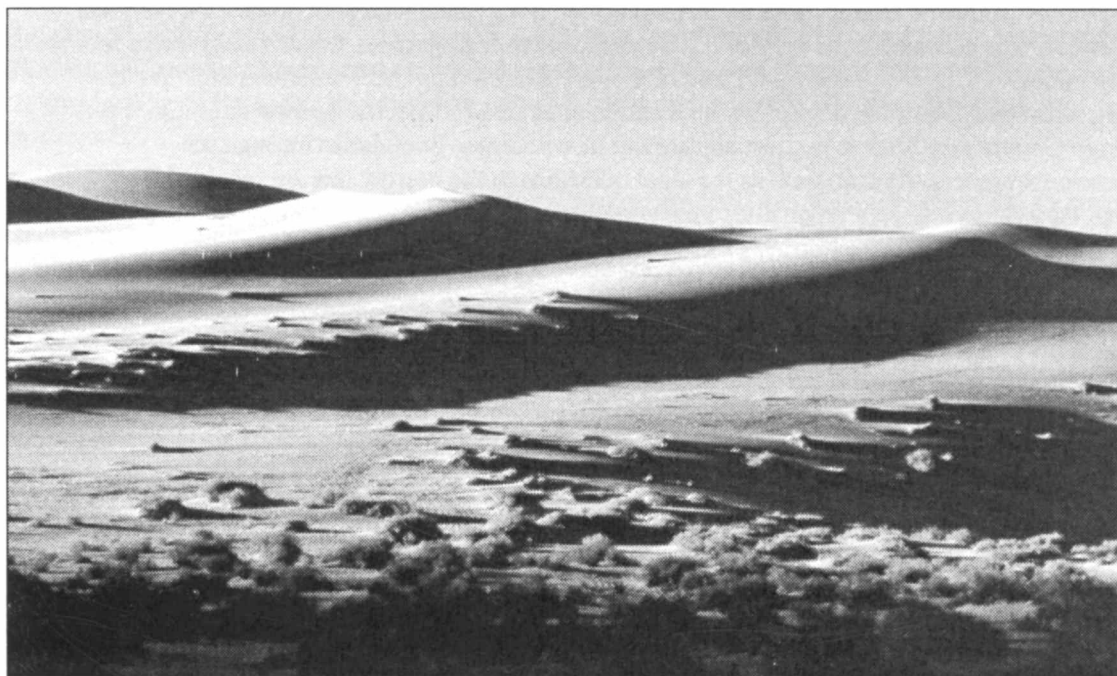
Response: The statement on page 84 of the Proposed Action states: A site plan will be developed for the Wildrose area to determine the future direction of the facilities and use of the area. This may include appropriate use by the Timbisha Shoshone Tribe in accordance with a jointly developed memorandum of understanding between the Tribe and the Park. This is the current state of thinking. The report on the Timbisha Shoshone Homeland indicates that the Tribe may have an interest in developing office, storage or other limited facilities at Wildrose. Given the significant amount of land at Wildrose ranger station that has been developed in the past and the impacts of the 1930s-era CCC camp, the proposal of the Tribe would appear reasonable and action could be taken after appropriate environmental review. The NPS use will be approximately at the same level as in the past.

## SOCIOECONOMICS

*Comment: No economic cost to surrounding industry is given regarding seeking Class I air quality designation.*

Response: The National Park Service is aware that cost analysis for Class I air quality, which it supports, is a desirable element of moving toward improved air quality for the Death Valley region. Good air quality is important to the area for a variety of reasons that seem self-evident to us, including quality of life for residents, the dependence of the tourism industry on scenic vistas and beauty, sustainable economic growth, health and safety, and aesthetics.

The National Park Service believes that good air quality is a regional interest, not just an NPS interest. Accordingly, the National Park Service is prepared to work with all allied agencies and interests to work toward determining the benefits, challenges, costs, and elements needed to attain the highest quality of air that can reasonably be achieved for this great area.





# ROADS AND CIRCULATION

## Inventory

*Comment: The plan should include a specific road inventory with all roads and lengths and alternatives, similar to the 1997 Joshua Tree General Management Plan which closed one-third of dirt roads in non-wilderness.*

*Response:* Joshua Tree's recent planning effort, which was referred to by the commenter, was a backcountry and wilderness management plan, produced as an amendment to their *General Management Plan*. This is the same planning sequence that Death Valley NP proposes in the *General Management Plan*. In addition, Joshua Tree NP had a handful of roads to consider in the lands added to the monument, as opposed to the hundreds of miles of roads in Death Valley NP. This is another issue that requires considerable data collection, discussion and planning and is beyond the scope of a general management plan.

## Maintenance

*Comment: Inyo County may be unable to continue maintaining roads that the National Park Service is asking the county to maintain within the Park, including the Saline Valley Road, unless former borrow sites are re-opened by the National Park Service for county use.*

*Response:* The National Park Service agrees that this is a concern. Some of the former borrow sites are now included within Congressionally designated wilderness. This is as a result of an Act of Congress: the California Desert Protection Act of 1994, not a management action by the National Park Service. The National Park Service has no authority to disregard an Act of Congress, in fact we are duty bound to follow and obey the Laws of Congress, including the Wilderness Act. We are working with Inyo County to determine the location and need for specific borrow sites. Once this is done Inyo County may wish to request adjustment of wilderness boundaries through the Congressional process. At such time as the legal questions to the borrow pits are resolved the National Park Service is very amenable to the adoption of a memorandum of understanding with the county on the operation of the borrow pits.

The National Park Service is very amenable to working with Inyo County to determine and resolve any questions of location, need and legal status of the borrow pits. We believe that some of the pits may be within Congressionally designated wilderness. Where this is the case the National Park Service has no authority to change the mandates of Congress. In these cases the county may wish to work through the Congressional process to resolve this matter. If there are borrow pits within the Park that are outside of wilderness, the National Park Service has the authority to authorize the county to use the pits given NEPA compliance and resource, safety, and aesthetic considerations. The National Park Service will be pleased to work with the county to reach full understanding and resolution to this matter.

## Offroad Vehicle Use

*Comment: Incursion of offroad vehicles into the Park at Surprise Canyon should be prevented.*



Response: The first 2 miles of the Surprise Canyon road are on lands managed by the Bureau of Land Management. Only the last approximately 2 miles are within the Park. This road is an exclusion from wilderness. This road accesses private lands within the Park that are part of the historic Panamint City. The NPS understands that the BLM is taking some action on this road as a result of litigation.

## **Rights-Of-Way**

Comment: *All rights-of-way that exist in the Park should be listed.*

Response: The National Park Service believes that the description on page 234 of the Revised Draft EIS / GMP most appropriately explains the right-of-way situation in the Park.

## **Trails**

Comment: *In the Revised Draft Environmental Impact Statement and General Management Plan, under "Actions Considered for Alternatives but Rejected," pages 50-51, issues regarding trails in wilderness areas for bicycles, hikers, and equestrians, and recreational opportunities for hang-gliding and trail bicycles needs discussion in the "Actions Considered for Alternatives but Rejected."*

Response: Under the Wilderness Act and 36 CFR, bicycles and hang-gliding are prohibited. The Park has no plans to build new trails in wilderness areas.

## **Other**

Comment: *Regarding the Park's road system, California Department of Fish and Game suggests the following philosophy: "to enhance the visitor experience, while providing for safe and efficient accommodation of Park visitors consistent with full protection of sensitive cultural and natural resources."*

Response: The National Park Service is in general agreement with this statement given the following considerations. While poorly conceived roads can have a detrimental effect on natural and cultural resource conservation, well-planned roads can provide for visitor access, education on conservation and enjoyment of Park resources. Park road systems are usually an aggregate of historic routes, trails that were converted to roads during horse and buggy days, early Park planners opinions on road locations, the dictates of terrain and weather, and above all: the constraints of funding for construction and maintenance of roads. Evolving road systems and facilities involves a highly complex process of analysis of the benefits and problems with any particular road facility, the benefits to be gained by a change, any negatives foreseen with a change, the practicalities of public acceptance and the probabilities of adequate funding with which to effect a change in road status.

Comment: *What is the status of the Steel Pass Corridor?*

Response: The National Park Service is aware of no significant or inappropriate impacts to the Steel Pass Corridor and the Park will continue to identify the pass as open for vehicular traffic.

# LANDOWNERSHIP AND USE

## Park Boundary and Authorized Acreage

*Comment: Drafting errors at Sourdough Springs and China Garden Springs were made in the external Park boundaries.*

*Response: The National Park Service believes that drafting errors at Sourdough Springs can and should be corrected at such time as an agreed upon location can be identified between interested parties. The boundary location at China Garden Springs currently has the springs slightly outside of the Park. Determining the appropriate location for the boundary in this area will take additional research and study.*

## Wilderness

### Access

*Comment: Emergency motorized entry into wilderness should not include imminent danger of loss of livestock.*

*Response: The National Park Service believes this comment to be correct, except where there may be a collateral emergency such as a public health or safety threat.*

*Comment: The section of the Wilderness Act that allows for mechanized transport in wilderness as necessary to meet the minimum requirements for the administration of the area for the purposes of the Wilderness Act applies only to administrative agencies not to the general public or others.*

*Response: The National Park Service agrees with the comment. See "Corrections and Revisions" section.*

*Comment: Minimum disturbance is not the proper criterion to use for decisions regarding administrative use of motorized vehicles or equipment in wilderness.*

*Response: Any motorized or mechanized incursions into wilderness will only be allowed as stated in the *General Management Plan* if the action is necessary for the protection of the wilderness resource.*

*Comment: Motorized access for maintenance of range developments by ranchers cannot be approved under section 708 of the California Desert Protection Act.*

*Response: As stated on page 103 in *Comments and Responses on the Draft EIS and GMP*, July 2000: "This statement is clarified to indicate that ranchers would normally be required to access wilderness on foot or horseback, similar to other users. However, certain situations may exist where motorized access is necessary to maintain range developments. These types of access could be considered under section 708 of the California Desert Protection Act that provides for adequate access and reasonable use and enjoyment to owners of nonfederal lands or interests that lie in wilderness. A minimum tool determination would be used prior to granting approval for motorized/ mechanical equipment use within wilderness. Death Valley National Park will follow the Wilderness Act, and the California Desert Protection Act in the administration of the Park's wilderness areas."*

Some commenters have provided confusing reference to various laws. Section 708 of the California Desert Protection Act, which is controlling in this case, states that “the Secretary shall provide adequate access to nonfederally owned land or interest in land within the boundaries of the conservation units and wilderness areas designated by this Act which will provide the owner of such land or interest the reasonable use and enjoyment thereof.” Motorized access for maintenance of range developments by grazing permittees in wilderness is addressed in the terms and conditions of a special use permit for grazing. Any entry into wilderness by motorized vehicle or mechanized transport must be approved by the Superintendent and only if the entry is determined through a documented decision process to be the minimum requirement for the administration of the area for wilderness purposes.

## **Backcountry Cabins**

*Comment: Backcountry cabins in Death Valley NP should be inventoried and evaluated relative to wilderness objectives.*

*Response:* The National Park Service agrees and as stated on page 104 in *Comments and Responses on the Draft EIS and GMP*, July, 2000: “The proposed action in the general management plan provides an interim management strategy until a survey of existing structures and a determination of their cultural value is completed. The Park is preparing a wilderness and backcountry management plan that will include an inventory of existing structures and their historic significance. This plan would follow existing laws, regulations, and policy regarding recommendations for the retention of various structures within and out of wilderness. Current cultural resource policies and regulations will also be considered along with those associated with wilderness management.

The following statements from the NPS Management Policy on shelters in wilderness are included in Alternative 1, under “backcountry cabins”:

“... facilities located in wilderness will be limited to the types and minimum number essential to meet the minimum requirements for the administration of the wilderness area... ”

“The construction or reconstruction of shelters for public use generally will not be allowed, since wilderness users should be self-supporting in terms of shelter. An existing shelter may be maintained only if the facility is necessary to achieve wilderness management objectives or cultural resource protection objectives.”

## **Buffer Zones**

*Comment: In managing wilderness areas, please incorporate section 105 of the California Desert Protection Act regarding buffer zones around such wilderness areas.*

*Response:* Buffer zones are addressed in section 103 (d) of the California Desert Protection Act, not section 105. Section 103(d) specifically addresses the designation of wilderness areas created in section 102 of the Act, which are BLM wilderness areas. Death Valley’s wilderness was created by section 601 of the Act, and there is no such buffer zone reference for NPS wilderness.

## **Boundaries and Maps**

*Comment: Maps and legal descriptions for the Park wilderness boundaries should be completed and included in the General Management Plan.*

Response: As stated on page 105 of the *Comments and Responses on the Draft EIS and GMP*, July, 2000: “Wilderness boundary interpretations from the legislative (S-21) maps have been made and the Park staff are now verifying these locations on the ground. These determinations are included in the draft plan. The legal description of the Park’s wilderness boundaries is complex and has not begun. Developing the legal description for the much simpler Park boundary took over one year to complete. Having specific legal descriptions for wilderness is not a necessary component of the general management plan. The general management plan provides a broad management framework for the Park and as such none of the decisions required the specifics of a legal description. The Park is committed to completing this process as quickly as possible. The wilderness boundaries were included on the map on page 57 of the 1998 draft plan. The wording has been modified to more accurately reflect the wilderness boundary mapping process.”

Comment: *The National Park Service is obligated by NPS Director’s Order 41 to complete maps and legal descriptions of wilderness areas by February 2, 2001.*

Response: The National Park Service is committed to the completion of this task and is actively working on our wilderness maps and legal descriptions. We will submit them to Congress upon their completion according to the requirements of the California Desert Protection Act and NPS policies. Without specific funding or trained staff to accomplish this task we are limited in our ability to fulfill this responsibility according to the specified times in DO-41.

## **Interpretive Theme**

Comment: *The Death Valley General Management Plan should adopt the goal of making wilderness a prominent interpretive theme.*

Response: As stated on page 108 of the *Comments and Responses on the Draft EIS and GMP*, July, 2000: “Interpretive themes would be developed as part of the comprehensive interpretive plan.”

## **Other**

Comment: *Death Valley should develop no further roads or commercial development in the backcountry.*

Response: The Park plans no new commercial development or new roads in the backcountry.

Comment: *The National Park Service should more prominently emphasize wilderness character in the General Management Plan.*

Response: As stated on page 107 of the *Comments and Responses on the Draft EIS and GMP*, July, 2000: “Wilderness and its protection are addressed in the Park’s purpose and significance, management objectives, and in the wilderness section in the proposed action.”

Comment: *Wilderness should be a specific resource category within the General Management Plan.*

Response: Preserving and protecting the Park’s wilderness resource is a pervasive element of the Park’s *General Management Plan*.

Comment: *Desert wilderness training and scenarios should be conducted in Death Valley NP.*

Response: As stated on page 108 of the *Comments and Responses on the Draft EIS and GMP*, July, 2000: “Death Valley, along with other members of the Desert Managers Group have agreed to follow the Wilderness Act in the letter and spirit of the law. The suggestion for onsite wilderness training for staff by the Carhart Center is a good one. The Park staff took the initiative in 1995–1996 to train almost all staff members in Wilderness Act principles. This training has been updated and repeated in 2000.”

## Land Protection Plan

### Incompatible Uses

Comment: *The Park should add the following to the list of incompatible uses in the Land Protection Plan: commercial, irrigated agriculture; golf courses; airports or landing strips for aircraft; multi-family residential or vacation real estate development and ranching of exotic animals such as emu, ostrich, oryx, etc.*

Response: Death Valley is comfortable with the list of incompatible uses as listed on pages 235–236 of the Revised Draft EIS / GMP and believes that the list would cover all reasonably incompatible uses.

## Mineral Developments

Comment: *The Revised Draft EIS / GMP understates the NPS authority to regulate and prevent destructive mineral development. At no point does the document address limitations imposed by the Wilderness Act. Wilderness must be held to a non-impairment standard for any development. Also, wilderness requires the National Park Service to perform validity exams on all claims prior to development.*

Response: A statement has been added to the mineral development section on page 106 that references NPS management policies regarding mineral development in wilderness. NPS policy is to manage mineral interests and mining claims pursuant to NPS regulations in 36 CFR Part 9 until such time as the interests are extinguished. Where applicable, mineral development activities would be reviewed in accordance with applicable provisions of the Wilderness Act. NPS policy is to conduct a validity examination on unpatented mining claims in wilderness prior to approval of a plan of operation.

Comment: *Are any of the 125 unpatented mining claims listed in the Revised Draft EIS / GMP under study for patenting based on grandfathered applications (prior to 1993)? Are any of these claims active? If not, the National Park Service should remove them from their inventory.*

Response: We are unaware of any patent applications that were initiated on unpatented claims in Death Valley prior to 1993. Whether or not a mining claim is “active” has little relevance to our inventory of claims. If the owner of a claim staked prior to 1994 (in the new lands) or 1976 (in the old monument) and maintains the claim as “administratively active” by paying annual rental fees and filing appropriate notices, then the claim must remain on the NPS claim list because it is a potential valid existing right.

*Comment: There should be a greater concern from contamination or groundwater drawdown from mining outside Death Valley. The National Park Service should oppose facilities and practices on its border that will have negative effects within its border.*

Response: Death Valley reviews and comments on all projects outside the Park that have the potential to impact Park resources. The Bullfrog and Briggs mines are two examples of major mining projects where the Park has had substantial input during the public review process.

*Comment: Mineral resources are not represented or listed in Revised Draft EIS / GMP.*

Response: Mineral resources are addressed extensively on pages 138 and 162 of the Affected Environment and in the Land Protection Plan on page 233 under "Mineral Rights." Mineral resources are addressed further in the Comments and Response Draft Document on pages 110 and 111 under "Abandoned Mine Lands," "Standards," "Valid Existing Rights," "Management Objectives," "Mining Authorized Activity," "Minerals as a Natural Resources," "Rainbow Talc Mine," "Restoration," "Sensitive Resource Analysis," and "Range of Alternatives." The National Park Service agrees that mineral resources, including their extent, diversity, and exploration are important aspects of the management of Death Valley National Park and the Death Valley story for interpretation to visitors. These stories are recognized in the plan's purpose and significance statements and interpretive themes. We believe that management of mineral resources is dealt with through the regulation of mining, which is explained in the sections identified above.

*Comment: A memorandum of understanding (MOU) regarding mine reclamation should be entered into between the National Park Service and the California Department of Conservation.*

Response: We agree that an MOU considering the needs of both the National Park Service and the California Department of Conservation would be beneficial.

*Comment: The California Department of Fish and Game again requests that the National Park Service response to our earlier comment on mineral development be included in the body of the Plan.*

Response: NPS will do so.

*Comment: Is there a statute requiring the "phase out" of mining?*

Response: The Mining in the Parks Act of 1976 states: "The Congress finds and declares that (a) the level of technology of mineral exploration and development has changed radically in recent years and continued application of the mining laws of the United States to those areas of the National Park System to which it applies, conflicts with the purposes for which they were established;" Given this direction the National Park Service believes that mining activities would be ultimately phased out within Death Valley National Park.

*Comment: The statement in Revised Draft EIS / GMP on page 116 regarding Briggs Mine air quality data transmission via the internet to the Great Basin Unified Air Pollution Control District is incorrect.*

Response: The statement has been corrected in the FEIS pursuant to your comments. The correct language reads: "The Briggs Mine has two real time PM-10 monitors that collect data continuously. This data is reported to the Great Basin Unified Air Pollution Control District on a quarterly basis. This system is set up to allow the district to access the real time data via a modem."



*Comment: Despite the statement in the Revised Draft EIS / GMP on page 116 that nighttime activities at Briggs Mine are visible from Panamint Valley and portions of Death Valley, the mine operates under an approved BLM lighting plan. The lights are shielded and pointed downward and illuminate the smallest area needed for the operation.*

Response: A clarifying statement has been added to the FEIS to indicate that the Bureau of Land Management has required an approved lighting plan that seeks to minimize night sky pollution from the mine.

*Comment: The statement on page 118 of the Revised Draft EIS / GMP regarding groundwater drawdown at the Briggs Mine is no longer accurate. The mine conducts extensive groundwater monitoring and the drawdown effect has been less than predicted during modeling and there have been no adverse effects to the Panamint Lake wetland attributable to the Briggs Mine. Briggs has also removed tamarisk around Post Office Springs which has increased groundwater levels.*

Response: Since no new data was provided in the comment we are unable to modify the statement that the Bureau of Land Management authorized the mine with 640 acre-feet of groundwater drawdown. We are pleased to hear that the drawdown has been less than expected.

*Comment: Clarification is needed for unpatented mining claims.*

Response: The National Park Service agrees with this comment and is working to identify and document all unpatented claims, as staffing and resources allow.

*Comment: Inyo Mine is privately-owned and should not be recommended for sight-seeing excursions.*

Response: The text has been corrected to exclude Inyo Mine under “Day Use Areas” on page 78.

## **Grazing/Cattle Management**

### **Removal of Cattle**

*Comment: Proactive removal of cattle grazing in the Park should be vigorously pursued.*

Response: The National Park Service has made significant progress in the appropriate management of grazing activities. The Last Chance permit has been permanently retired. The Lacey-Cactus-McCloud and Eureka Valley permits make no significant contributions to the allotments, which are almost entirely on adjacent BLM lands. These two permits are being permanently retired. These three combined actions are a reduction of 1,628 animal unit months. Three out of four permits that were inherited by the National Park Service from the Bureau of Land Management will be eliminated permanently from Park lands. The National Park Service believes these management actions are notable achievements, particularly since there has been no cost to the taxpayers or to a third party.

Death Valley’s management goal is to achieve the permanent retirement of grazing within the Park. Three out of four grazing permits are being retired.

*Comment: Livestock grazing is incompatible with NPS mandates and should not be allowed anywhere. NPS assertion that the California Desert Protection Act mandates that cattle grazing*



*continue is in error. Congress explicitly provided the National Park Service with management latitude in the House Committee Report of May 1994. The National Park Service has the authority and affirmative duty to terminate grazing immediately within critical habitat of the desert tortoise. The plan does not even consider an alternative that would immediately eliminate grazing from critical habitat.*

Response: The NPS makes no assertion that the California Desert Protection Act mandates the continuation of grazing. Congress debated the grazing issue extensively prior to passage of the California Desert Protection Act. They decided in the end to rule that grazing would continue at no greater level when the act passed, and that is the law the President signed. It would not achieve our stated goals in the "Purpose and Need" section to include an alternative that simply terminates grazing. The National Park Service believes that the proposed action is the most expeditious way of removing grazing from the Park. To date, this process has already resulted in grazing permits that existed in the Park in 1994 being permanently retired, at no cost to the taxpayers. The approach suggested would surely not be implementable without legislation, despite the statements in the House Committee report. The Park commits to developing a grazing management plan that addresses the protection of sensitive Park resources for the permit that remains. This plan would implement the requirements of the *General Management Plan*.

## **Water Developments**

Comment: *The National Park Service should perform an environmental assessment on guzzler use, maintenance, and/or removal.*

Response: As an interim measure the National Park Service has allowed non-motorized access to guzzlers and the use of hand tools for maintenance. The National Park Service has requested the California Department of Fish and Game to advise us of the documented purpose, utility, use levels, impacts, enhancements or otherwise to wildlife populations and collateral effects of the guzzlers that the National Park Service inherited from the Bureau of Land Management. To date we have received no response from the department. In the meantime, the National Park Service has done a field review of the guzzlers and finds that some are not used, some are used somewhat and some are used quite a bit. The National Park Service believes that the guzzlers that are not used could be removed based on non-use alone.

The guzzlers that are used quite a bit are more problematical since wildlife populations can become dependent upon the artificial water supply. Removal of these guzzlers could well result in a wildlife die-off of some degree. Wildlife dying within national park areas as a result of management actions invariably causes a negative public reaction. Such approaches require a very well thought out justification, excellent documentation, good public education, hopefully the cooperation of allied agencies and significant fortitude. The National Park Service will work with the California Department of Fish and Game to resolve this matter.

## **Grazing in Wilderness**

Comment: *It should be made clear that any livestock use, including water use, that degrades wilderness values then the number of livestock should be reduced, to zero if necessary.*

Response: The National Park Service agrees with the comment when the impacts are of a factual basis. This statement has been added to the plan. See "Corrections and Revisions" section.

*Comment: Grazing permittees cannot be allowed motorized access into wilderness areas under Section 708 of the Wilderness Act.*

*Response:* The Wilderness Act does not have a section 708. The commenter was undoubtedly referring to section 708 of the California Desert Protection Act. The National Park Service believes that the statement on page 94 of the Revised Draft EIS / GMP is accurate. To repeat the statement, a request for motorized access to wilderness by a grazing permittee would be considered if the permittee was the owner of nonfederal lands or had an interest in land within the boundaries of the wilderness area. Such request would be considered on a case-by-case basis and a decision made by the Superintendent based upon the Wilderness Act and the California Desert Protection Act. This approach by the management of Death Valley National Park demonstrates a complete, legal and appropriate commitment to the highest principles and philosophy of the Wilderness Act.

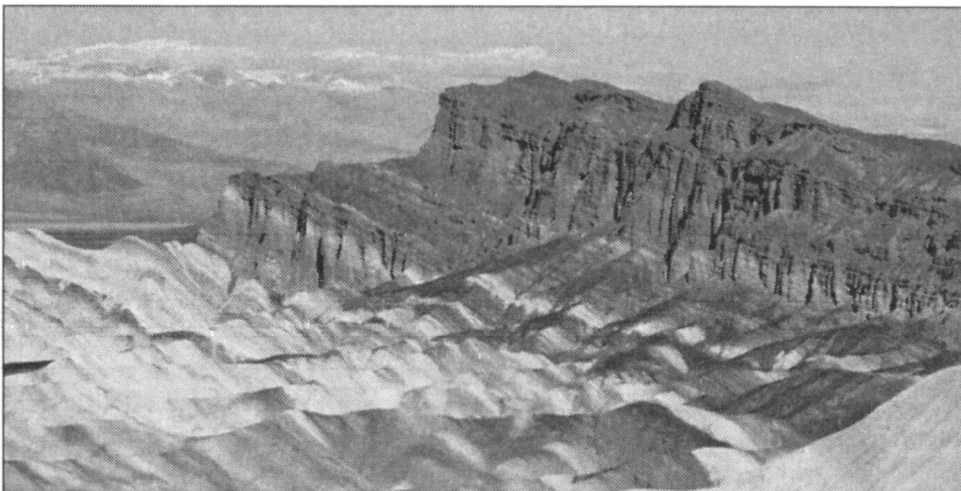
## **Management**

*Comment: The Hunter Mountain grazing permit should be actively managed.*

*Response:* The National Park Service agrees with this and believes that the current plan addresses this issue.

*Comment: With regards to grazing, when will a grazing plan be finalized and what are the interim guidelines for grazing?*

*Response:* There is no firm timeframe for a final grazing plan at present, but current guidelines for grazing are contained in the grazing permits stipulation (appendix F in the *Revised Draft EIS / GMP*).



## OTHER TOPICS

### Administrative Facilities

*Comment:* Clarify whether the intent of the proposed action is to maintain administrative facilities that are inadequate for existing staff and storage in their existing conditions.

*Response:* Page 83 of the proposed action indicates that planning for future administrative facilities would be guided by the desire to limit the growth of development and the related demand on Park resources such as water and land. This could be done by relocating some administrative activities outside of the Park. The National Park Service would also propose to better maintain and rehabilitate facilities that are useful and efficient from a resource conservation or visitor use standpoint.

*Comment:* Inyo County is deeply concerned that the National Park Service may relocate employee housing outside of the Park. This could impact local government operations and the county's obligations. Inyo County requests cooperating agency status in future Concept Plans for Furnace Creek/Cow Creek.

*Response:* The National Park Service has no intention to "relocate" currently existing housing to a location outside of the Park. The National Park Service plans to maintain approximately the current level of housing units within the Park. The only possible exception to this might be the housing at Grapevine and Scotty's Castle. While Inyo County might on occasion be called upon to provide services in the Grapevine and Scotty's Castle areas, we are aware of no significant county resources that are devoted to those areas. Almost all facilities and amenities for employees and visitors are provided by the National Park Service. No employees living in the area have children in school. We are currently doing an analysis of this location, which is inadequate, to determine an alternative site. One site being reviewed is outside the Park. The site within the Park might turn out to be the preferred site, or the one outside might be it. This will be dependent upon a wide complex of factors including water availability, land suitability, access, costs, amenities, commuting time and security. At such time as these plans get more developed they will be subject to NEPA compliance, including public review and input. That is probably a year away at this time.

The reference on page 85 of the plan refers to "additional" housing for employees, not relocation of current housing. This would apply if the National Park Service in the future were to determine that additional housing were needed. The National Park Service currently has about 91 housing units within the Park and about 45 transient trailer sites. Should future additional housing be required, one of the options that would be looked at very seriously would be building that additional housing outside of the Park. The purpose of this would be to try to limit the impact of additional Park housing on Park land and resources.

The National Park Service sees no current concern for Inyo County regarding the housing issue, since the National Park Service has no plans to relocate or reduce the number of employee housing units that are currently within the Park, except for the possibility mentioned above where the county, to date has provided no significant involvement.

On a related matter, since the 1980s the National Park Service has been developing collaborative office arrangements with local agencies outside of the Park. This includes the interagency visitor center in Lone Pine, California, the park ranger office in Bishop, California, the ranger station in Shoshone, California, the information station in Baker, California and the interagency facility in

Lancaster, California. As a continuation of this cooperative effort the National Park Service is currently considering two programs. One is the possibility of stationing a park ranger in the Lone Pine area. The second is possibly establishing offices for a few employees in Beatty, Nevada in the near future. This will be used as workspace for a limited number of the Park's employee base. The National Park Service will maintain approximately the same level of offices and employees within the Park as in the past.

## Cooperative Management

*Comment: The General Management Plan has inadequate proposals for cooperative management of adjoining natural areas.*

*Response:* Death Valley National Park has been and is committed to working collaboratively with all local, county, state, and federal agencies that share a boundary with the Park or have a vested interest in the Park's resources or management actions.

## Revised Draft Environmental Impact Statement

### Alternatives

*Comment: The alternatives are neither sufficiently developed nor distinct for the Revised Draft Environmental Impact Statement and General Management Plan to be NEPA-compliant.*

*Response:* As stated in the *Comments and Responses on the Draft EIS and GMP*, July, 2000: Extensive public meetings, interagency coordination, and numerous meetings with the Death Valley Advisory Commission yielded the alternatives presented in the draft plan. The stated planning objective throughout the scoping and alternative development phases was to develop a general management plan for Death Valley that met the intent of Congress, was consistent with agency guidelines for general management plan content and scope, and was implementable. It was not the intent to craft an array of management alternatives that violate congressional intent and required legislation before they could be implemented. Mandates from the California Desert Protection Act, existing laws, policies, and regulations restrict the range of alternatives with this objective in mind. The planning effort explored the traditional theme alternative approach (i.e. visitor use emphasis, resource protection emphasis, etc.) and decided that approach was not consistent with public input received during scoping. The general feeling during scoping was that the public was satisfied with the management of the old monument and was not interested in new visitor use developments. Therefore, we believe the range of alternatives is appropriate given these considerations.

In addition, the Environmental Protection Agency, the federal agency responsible for overseeing the National Environmental Policy Act (NEPA) reviewed the draft plan and had no objections to the plan and commended the Park Service for developing a quality management plan for the Park.

*Comment: The range of alternatives discussed in the draft plan is too narrow. The plan is inconsistent with regard to the level of detail provided for different management areas.*

*Response:* As stated on page 17 of the *Comments and Responses on the Draft EIS and GMP*, July, 2000 under CDFG1: "Extensive public meetings, interagency coordination, and numerous meetings with the Death Valley Advisory Commission yielded the alternatives presented in the draft plan. The stated planning objective throughout the scoping and alternative development phases was to develop

a general management plan for Death Valley that met the intent of Congress, was consistent with agency guidelines for general management plan content and scope, and was implementable. It was not the intent to craft an array of management alternatives that violate congressional intent and required legislation before they could be implemented. Mandates from the California Desert Protection Act, existing laws, policies, and regulations restrict the range of alternatives with this objective in mind. The planning effort explored the traditional theme alternative approach (i.e. visitor use emphasis, resource protection emphasis, etc.) and decided that approach was not consistent with public input received during scoping. The general feeling during scoping was the public was satisfied with the management of the old monument and was not interested in new visitor use developments. Therefore, we believe the range of alternatives is appropriate given these considerations. In addition, the Environmental Protection Agency, the federal agency responsible for overseeing the National Environmental Policy Act (NEPA) reviewed the draft plan and had no objections to the plan and commended the Park Service for developing a quality management plan for the Park.

## Other

*Comment: The draft plan provides for the minimum protection necessary of applicable laws.*

Response: The National Park Service has a preservation mandate and the agency and the Park have an excellent record of protecting resources. The National Park Service believes that the Revised Draft EIS / GMP reflects an aggressive approach to resource protection.

*Comment: Explain the relationship between the Park and the Death Valley Natural History Association.*

Response: As stated on page 125 of the *Comments and Responses on the Draft EIS and GMP*, July, 2000: The Death Valley Natural History Association raises funds that support Park projects such as research, interpretive programs, and the purchasing of support equipment and supplies. Additional information can be obtained by contacting the association or Park staff directly.

*Comment: Explain the volunteer services at Death Valley NP.*

Response: Death Valley (as most National Park areas) has an active volunteer-in-park (VIP) program, primarily in the winter season. These volunteers provide many hundreds of volunteer hours in all functions of the Park management. The Park usually provides a small stipend or space to park the volunteer's recreational vehicle. The VIPs are critical in the support they lend to the Park. The Park will continue to use volunteers in the future.

*Comment: What has happened to the Congressionally mandated advisory committee for Death Valley NP?*

Response: The advisory commission was established with the passage of the California Desert Protection Act in 1994. The commission members were appointed by the Secretary of the Interior and they meet at least once a year (they have met more than that since the committee was established). They have been active in gaining an understanding of park issues and making recommendations for the current and future direction of park management including the general management planning process.



## Future Planning

Comment: *On the summary page, include a sentence stating that programs or area specific plans developed under the General Management Plan are subject to further environmental review as required by NEPA.*

Response: The National Park Service agrees and has included the suggested language. See revised abstract.

Comment: *There is a need for public involvement on the park's backcountry planning efforts and on all plans listed on page 56 of the Revised Draft EIS / GMP.*

Response: The National Park Service agrees that all plans, where appropriate, would include public involvement conducted through the environmental assessment process. The National Park Service also agrees to work towards a more comprehensive means of contacting all persons as to the availability for comment of any EA/EIS efforts that will be undertaken regarding planning and applicable management actions.

Comment: *The list of future planning efforts on page 56 should specifically detail which will have environmental assessments (EAs) done for them along with a schedule for completion of the plans.*

Response: The National Park Service agrees that this would be desirable. However predicting with any degree of accuracy which plans will require EAs is very problematical. Which projects require EAs is highly dependent upon the complexity and potential environmental consequences of the particular planning effort. The same is true with predicting completion timeframes. Additionally, from a timing standpoint it is very challenging to determine the availability of staff, funding, and support to initiate and finish a particular planning effort.

Comment: *What will be the opportunity for public input for the future planning efforts?*

Response: All planning efforts will have an opportunity for public review and input where National Environmental Policy Act (NEPA) compliance requires an environmental assessment or a environmental impact statement. The National Park Service believes that many of the future planning projects will be subject to NEPA compliance.



## **APPENDIX A: LIST OF AGENCIES AND ORGANIZATIONS TO WHOM COPIES OF THE REVISED DRAFT ENVIRONMENTAL IMPACT STATEMENT AND GENERAL MANAGEMENT PLAN WERE SENT**

### **Federal Agencies**

#### **Department of the Army**

Army Corp of Engineers, Los Angeles District, Los Angeles, CA  
Army Corp of Engineers, Sacramento District, Sacramento, CA

#### **Department of Defense**

National Training Center, Phil Anderson, Fort Irwin, CA  
Naval Air Weapons Station, Tom Campbell, Steve Cooper, Carolyn A. Shepherd, China Lake, CA

#### **Department of the Interior**

Bureau of Indian Affairs, Ronald Jaeger, Sacramento, CA  
Bureau of Land Management, Tonopah Resource Office, Pat Hicks, Tonopah, NV  
Bureau of Land Management, Al Wright, Sacramento, CA  
Bureau of Land Management, Desert District, Tim Salt, Bill Haigh, Riverside, CA  
Bureau of Land Management, Barstow Field Office, Tim Read, Edythe Seehafer, Barstow, CA  
Bureau of Land Management, Ridgecrest Field Area Office, Ahmed Mohsen, Ridgecrest, CA  
Bureau of Land Management, Bishop, CA  
Bureau of Land Management, Desert District, Alan Stein, Riverside, CA  
Bureau of Land Management, Nevada State Office, Brian C. Amme, Reno, NV  
Bureau of Land Management, Needles Field Area Office, Molly Brady, Needles, CA  
Bureau of Land Management, Las Vegas District Office, Mike Dwyer, Las Vegas, NV  
National Park Service, Joshua Tree National Park, Ernest Quintana, Twentynine Palms, CA  
National Park Service, Sequoia and Kings Canyon NP, Bill Kange, Three Rivers, CA  
National Park Service, WASO, John Coates, Washington, DC  
National Park Service, Environmental Quality Division, Warren Brown, Washington, DC  
National Park Service, Death Valley National Park, Beatty Ranger Station, Beatty, NV  
National Park Service, National Park Service, Lake Mead NRA, Jim Holland, Boulder City, NV  
U.S. Fish and Wildlife Service, CA/NV Refuge Planning Office, Mark Pelz, Sacramento, CA  
U.S. Geological Survey, Biological Resources Division, Colorado Plateau Field Station, Kathryn Thomas, Flagstaff, AZ  
U.S. Geological Survey, Canyon Crest Field Station, Hal Avery, Riverside, CA  
Eastern Sierra Interagency, Visitor Center, Lone Pine, CA  
Environmental Protection Agency, Region 9, Leonidas Payne, San Francisco, CA  
U.S. Forest Service, Jim Tallerico, Las Vegas, NV  
U.S. Forest Service, Inyo National Forest, John Schuyler, Bishop, CA

### **Federal Advisory Groups**

Death Valley National Park Advisory Commission



**Elected Officials**

Governor Gray Davis, Sacramento, CA  
Honorable Shelley Berkeley, U.S. House of Representatives, Washington, DC  
Honorable Barbara Boxer, U. S. Senate, Washington, DC  
Honorable Richard Bryan, U. S. Senate, Washington, DC  
Honorable John Ensign, U. S. House Of Representatives, Las Vegas, NV  
Honorable Dianne Feinstein, U. S. Senate, Washington, DC  
Honorable Jim Gibbons, U. S. House of Representatives, Washington, DC  
Honorable Jerry Lewis, U. S. House of Representatives, Redlands, CA  
Honorable Harry Reid, U. S. Senate, Washington, DC

**State Agencies**

California Department of Fish and Game, Vern Bleich, Denyse Racine, Bishop, CA  
California Department of Fish and Game, Andy Pauli, Apple Valley, CA  
California Department of Fish and Game, Rocky Thompson, Lake Isabella, CA  
California Department of Fish and Game, Al Lapp, Coleville, CA  
California Department of Parks and Recreation, Off Highway Vehicle Division, Cliff Glidden, Don Murphy, Sacramento, CA  
California Department of Transportation, Tom Hallenbeck, Katy Walton, Bishop, CA  
California Department of Transportation, Stan Lisiewicz, San Bernardino, CA  
California Federation of Mineralogical Society, Susan Hickman, Yermo, CA  
California State Historic Preservation Officer, Sacramento, CA  
California State Lands Commission, Robert Lynch, Sacramento, CA  
California State University, Desert Studies Center, Rob Fulton, Baker, CA  
Nevada Department of Administration State Clearinghouse, Heather K. Elliott, Carson City, NV  
Nevada Division of Minerals, Carson City, NV  
Nevada Division of Wildlife, Jon Sjoberg, Las Vegas, NV  
Nevada State Historic Preservation Officer, Ronald M. James, Carson City, NV  
University Of Arizona, SW Center, Sonoran Desert NP Project, Lyn Wilson, Tucson, AZ  
University of California Division of Agriculture and Natural Resources, Alexander N. Glazer, Oakland, CA

**Local Agencies**

Baker Area Chamber of Commerce, Baker, CA  
Big Pine Chamber of Commerce, William E. Wright, Big Pine, CA  
Calico Ghost Town, San Bernardino County Regional Park, Serena Steiner, Yermo, CA  
City of Hesperia, Hesperia, CA  
Clark County Department of Comprehensive Planning, Ron Gregory, Las Vegas, NV  
Clark County Department of Parks and Recreation, Ms. Joan S. Lolmaugh, Las Vegas, NV  
Clark County Gem Collection, Frank Rowley, Las Vegas, NV  
Death Valley Chamber of Commerce, Shoshone, CA  
Indian Wells Valley Water District, Arden Wallum, Ridgecrest, CA  
Inyo County, Brent Wallace, Independence, CA  
Inyo County Board of Supervisors, Michael A. Dorame, Independence, CA  
Inyo Co. Board of Supervisors, Carroll Hambleton, Independence, CA  
Inyo County Board of Supervisors, Robert E. Michener, Independence, CA  
Inyo County Planning Department, Peter Chamberlin, Chuck Thistlethwaite, Independence, CA  
Kern County Board of Supervisors, Supervisor John McQuiston, Bakersfield, CA  
Mono County Board of Supervisors, Bridgeport, CA

Mono County Planning Department, Scott Burns, Mammoth Lakes, CA  
 Nye County, William L. Offutt, Tonopah, NV  
 Nye County, Board of Commissioners, Honorable Robert Revert, Beatty, NV  
 Nye County, Department of Natural Resources and Federal Facilities, Les Bradshaw, Pahrump, NV  
 Pahrump Public Lands, Advisory Board, Ken Grubb, Pahrump, NV  
 San Bernardino County, Board of Supervisors, Honorable Kathy Davis, Apple Valley, CA  
 San Bernardino County, Board of Supervisors, Gerry Hillier, San Bernardino, CA  
 San Bernardino County, Board of Supervisors, Mike Raihle, San Bernardino, CA  
 San Bernardino Planning Department, Ty Schuling, San Bernardino, CA  
 Town of Amargosa, Amargosa, NV

### **Organizations**

American Lands Alliance, Mark N. Salvo, Portland, OR  
 American Motorcycle Association-District 37, Jerry Counts, Canoga Park, CA  
 Animal Legal Defense Fund, Nancy Brown-Kobil, Esq., Rockville, MD  
 Animal Protection Institute, Christopher Papouchis, Sacramento, CA  
 BLM Lands Foundation, George Early, San Diego, CA  
 Blue Ribbon Coalition, Mark Trinko, Las Vegas, NV  
 California Deserts Tourism Association, Mr. Gilbert G. Zimmerman, Rancho Mirage, CA  
 California Native Plant Society, Ileene Anderson, West Hollywood, CA  
 California Off-Road Vehicle Association, Ed Waldheim, Glendale, CA  
 Center for Biological Diversity, Daniel Patterson, Kassie Siegel, Tucson, AZ  
 Center for Environmental Connections, Rob, Kulakofsky, Tucson, AZ  
 Chatsworth Womens Club, Kay Virgiel, Northridge, CA  
 Committee for Responsible Growth, Robin M. Simmons, Barbara Chamberlain, Potrero, CA  
 The Conservation Fund, David J. Kirk, Boulder, CO  
 The Conservation Corp St. Museum, Bud Wilbur, San Diego, CA  
 Death Valley Hiker Association, George Huxtable, San Mateo, CA  
 Death Valley Natural History Association, Death Valley, CA  
 Desert Tortoise Council, Katherine Zander, Wrightwood, CA  
 Desert Tortoise Preserve Committee, Michael Connor, Riverside, CA  
 Eastern Sierra Audubon Society, James Wilson, Bishop, CA  
 Escalante Wilderness Project, Tori Woodard, Patrick Diehl, Escalante, UT  
 Friends of the Santa Monica Mountains, Susan B. Nelson, Los Angeles, CA  
 Gear Grinders 4WD Club, Inc., Mary Grimsley, Ridgecrest, CA  
 Great Basin Mine Watch, Tom Myers, Reno, NV  
 High Desert Multiple Use Coalition, Ron Schiller, Ridgecrest, CA  
 The Historic Access Recovery Project, Richard Lassen, Reno, NV  
 Las Vegas Gem Club, Jack Toogood, Las Vegas, NV  
 National Parks and Conservation Association, Brian Huse, Oakland, CA  
 National Parks and Conservation Association, Helen Wagenvoord, Oakland, CA  
 Natural Resources Defense Council, Johanna H. Wald, San Francisco, CA  
 Public Lands for the People, Dee Stapp, San Bernardino, CA  
 Rainforest Action Network, Nancie Sailor, Los Altos, CA  
 Red Rock Audubon, John Hiatt, Hermi Hiatt, Las Vegas, NV  
 Saline Preservation Association, Rebecca Phillips, Chino, CA  
 Sierra Club, Edgar Wayburn, San Francisco, CA  
 Society for the Conservation of Bighorn Sheep, John T. Nelson, Stevenson Ranch, CA  
 Society for the Protection and Care of Wildlife, Loren Lutz, Pasadena, CA

Southwest Forest Alliance, Kim Crumbo, Grand Canyon, AZ  
State Conservationist, Reno, NV  
Tierra Del Sol 4WD Club of San Diego, Dave Londo, Sherry MacDougall, Gale O. MacDougall,  
Pete Nelson, Judy Nelson, John Stewart, San Diego, CA  
Tierra Del Sol 4WD Club of San Diego, Ken Johnson, Vista, CA  
Wild Burro Rescue and Preservation Project, Gene Chontos, Diana Chontos, Onalaska, WA  
The Wilderness Society, Sally E. Miller, Jay Watson, Lee Vining, CA  
Wilderness Watch, Glenn Marangelo, Tinamarie Ekker, Missoula, MT

### **Tribal Governments**

Agua Caliente Band of Cahuilla Indians, Michael Kellner, Palm Springs, CA  
Pascua Yaqui Tribal Council, Kevin Kish, Tucson, AZ  
Timbisha Shoshone Tribe, Pauline Esteves, Death Valley, CA

### **Libraries**

Amargosa Valley Public Library, Amargosa Valley, NV  
Angeles Mesa Library, Los Angeles, CA  
Balboa Library, Balboa, CA  
Beatty Library, Beatty, NV  
Boulder City Library, Boulder City, NV  
California State University, Long Beach, Library Gov. Publication, Long Beach, CA  
California State University, Northridge, Oviatt Library, Northridge, CA  
Clark County Library, Las Vegas, NV  
Henderson Public Library, Henderson, NV  
Inyo County Free Library, Bishop Branch, Bishop, CA  
Inyo County Free Library, Furnace Creek Branch, Death Valley, CA  
Inyo County Free Library, Independence, CA  
Inyo County Free Library, Lone Pine Branch Library, Lone Pine, CA  
Las Vegas Public Library, Las Vegas, NV  
Mohave County Library, Kingman, AZ  
Napa City County Library, Napa, CA  
Pahrump Library, Pahrump, NV  
Pasadena Public Library, Pasadena, CA  
Ridgecrest Library, Ridgecrest, CA  
Sacramento Central Library, Sacramento, CA  
San Bernardino County Library, Barstow Branch, Barstow, CA  
San Bernardino County Library, Needles Branch, Needles, CA  
San Bernardino County Library, San Bernardino, CA  
San Bernardino County Library, Victorville Branch, Victorville, CA  
San Francisco Public Library, Civic Center, San Francisco, CA  
Seattle Public Library, Seattle, WA  
Shasta County Library, Redding, CA  
Sunrise Public Library, Las Vegas, NV  
Tecopa Branch Library, Tecopa, CA  
University of Arizona Main Library, Tucson, AZ  
University of California, Irvine, Main Library, Irvine, CA  
University of Nevada, Las Vegas, James R. Dickinson Library, Las Vegas, NV

### **Individuals**

Joseph S. Aklufi, Riverside, CA

Jerry Albright, Santa Rosa, CA  
 Chris Allen, Barstow, CA  
 Janice Allen, Olancho, CA  
 Bill Almas, MolyCorp, Inc, Mountain Pass, CA  
 Norman H. Anderson, Del Mar, CA  
 Reda Anderson, El Segundo, CA  
 Michael Ashcraft, Emeryville, CA  
 Guy Baldwin, Bangor, CA  
 Patricia A. Bales, San Pedro, CA  
 Ole Barat, Ultra Systems Environmental, Irvine, CA  
 George Barnes, Joanne Barnes, Palo Alto, CA  
 E. F. Bartholomew, New River, AZ  
 Blaine Benedict, Las Vegas, NV  
 Fred D. Benz, Jr., Menlo Park, CA  
 James Bergman, Delainie, Bergman, Darwin, CA  
 Lori Bledsoe, Las Vegas, NV  
 Grant Blocher, Oakland, CA  
 Holly Bonner, Chris Bonner, Madera, CA  
 Ed Booss, Amargosa Valley, NV  
 Robin Bradshaw, Irvine, CA  
 Marie Brashear, Lucerne Valley, CA  
 John Breitrick, Ely, NV  
 David Brenner, Oxnard, CA  
 Howard Brown, Omya, Lucerne Valley, CA  
 Dr. Patricia Brown, Robert Berry, Brown-Berry Consulting, Bishop, CA  
 Bill Broyles, Tucson, AZ  
 T. Scott Bryan, Apple Valley, CA  
 Thomas S. Budlong, Los Angeles, CA  
 Kathy Buecher, Redlands, CA  
 Frank Buono, Prineville, OR  
 Tom Buqo, Blue Diamond, NV  
 Peter Burk, Joyce Burk, Barstow, CA  
 Isabella J. Burns, William Burns, Monterey Park, CA  
 John F. Butkis, Los Angeles, CA  
 Ray Butler, Riverside, CA  
 David E. Bybee, Vancouver, WA  
 Bob Cable, Helendale, CA  
 Anthony Canoles, Glendale, CA  
 Greg Carlson, San Diego, CA  
 Richard Carlyle, Lucerne Valley, CA  
 Steve Carpenter, U.S. Borax Inc., Valencia, CA  
 Sandy Carrillo, Saugus, CA  
 Tom Casey, Mound, MN  
 Mitch Casteel, Reno, NV  
 Joe Cernac, Barbara, Coleman, San Jose, CA  
 Jay Chavannes, Ted Chavannes, Thousand Oaks, CA  
 Gary Chinn, Nicola Chinn, Sarah Chinn, Geirm Chinn, Barstow, CA  
 Clifford H. Clark, Grover Beach, CA  
 Richard Clemson, Lakewood, CA  
 Brent Collier, Cypress, CA

Derek Cooper, Ridgecrest, CA  
 Carol Corbett, Las Vegas, NV  
 Warren P. Crandall, Baker, CA  
 Don Creighton, San Pedro, CA  
 R. Scott Crisman, Yucca Valley, CA  
 Dan, Cronkhite, Morengo Valley, CA  
 Ron D. Czechorosky, Pahrump, CA  
 Bruce Davidson, Pleasant Grove, UT  
 P. David Dewenter, Keaau, HI  
 Archie Devereux, Connie Devereux, Hacienda Heights, CA  
 Todd Diaz, Burbank, CA  
 Frank Dobos, Ruth Dobos, Los Angeles, CA  
 B.J. Donnelly, Twentynine Palms, CA  
 Bill Donovan, Truckee, CA  
 McLane Downing, San Diego, CA  
 John Dukes, Julie Robinson, Ridgecrest, CA  
 Dan Dumont, San Francisco, CA  
 Chris Eckert, CR Briggs, Trona, CA  
 Ken Elliott, Barstow, CA  
 Bob Ellis, Berkeley, CA  
 Mark G. Ellis, U.S. Borax Inc, Valencia, CA  
 Kevin Emmerich, Death Valley, CA  
 Environmental Policy Program, IPR, Evanston, IL  
 Chris Ervin, Laguna Hills, CA  
 Michael A. Faber, Menlo Park, CA  
 Tony Fender, Sandee Fender, Altadena, CA  
 Tom Ferch, Irvine, CA  
 Bonnie Ferguson, Quartz Hill, CA  
 Deborah L. Filipelli, The Sea Ranch, CA  
 A. C. Flores, Ceres, CA  
 John Forgy, Long Beach, CA  
 Dorothy M. Forsyth, H. B. Forsyth, Beatty, NV  
 Gerald Freeman, Nipton, CA  
 Ron Frey, Ridgecrest, CA  
 H. Paul Friesema, Northwestern Univ.,  
 Robert Fuller, Huntsville, AL  
 Jeremy Garnicarz, Las Vegas, NV  
 Aaron Gerth, San Bernardino, CA  
 Greg Gessay, Phoenix, AZ  
 Patsy Gervais, Roger Gervais, Manhattan Beach, CA  
 Mary Ellen Giampaoli, Blue Diamond, NV  
 Ed Goedhart, Ponderosa Dairy, Amargosa Valley, NV  
 Richard J. Gordon, Juneau, AK  
 Kathy Goss, Darwin, CA  
 Kim C. Gould, Rosemead, CA  
 Bob W. Gracey, Independence, CA  
 Jim Gross, Redlands, CA  
 Frank Halas, San Bernardino, CA  
 Gary Halderman, Lomita, CA  
 Gilbert Handley, Vera Handley, Auburn, CA

Stan Haye, Jeanie Haye, Ridgecrest, CA  
Garry Hayes, Gold Valley Ranch, Las Vegas, NV  
George W. Hayes, Vista, CA  
Darla Heil, Mammoth Lakes, CA  
Mary Ann Henry, Ridgecrest, CA  
Steven Hill, Bakersfield, CA  
James Hines, Ventura, CA  
Andy Hippert, Cypress, CA  
Lloyd Hopper, Independence, CA  
Lowell Horan, Oakland, CA  
Margaret Howes, Cedarville, Ca  
Richard Hubacek, Berry Creek, CA  
Rainer Huck, Salt Lake City, UT  
Elden Hughes, Whittier, CA  
John Hybarger, Baldwin Park, CA  
Thomas Jackson, Needles, CA  
Will Jenson, Running Springs, CA  
William Jenson, San Bernardino, CA  
Mr. Cal C. Jepson, Furnace Creek Inn and Ranch Resort, Death Valley, CA  
Harold Jesse, Palos Verdes Estates, CA  
Sterling Kendrick, Ridgecrest, CA  
James Kilberg, Los Angeles, CA  
Robert Kilpatrick, Victorville, CA  
Anthony King, Burbank, CA  
Thomas J. King, Escondido, CA  
Chuck Knight, Salinas, CA  
Thomas J. Koch, Twentynine Palms, CA  
Tim Laage, Grenada Hills, CA  
Paul Lamos, U.S. Borax Inc., Lone Pine, CA  
Landells Aviation, Desert Hot Springs, CA  
William R. Lawrence, Las Vegas, NV  
Jeffrey, Lichtman, Brooklyn, NY  
Neil Lienhard, Sarah Lienhard, South Gate, CA  
John Lightburn, F.M. Myrick Research, Kapa'au, HI  
Douglas Lock, Manhattan Beach, CA  
Jamie Loxley, Lakeside, CA  
Bill Ludwick, Barrick Bullfrog, Beatty, NV  
Marcia Mack, Huntington Beach, CA  
David Martell, Pinon Mesa Middle School, Phelan, CA  
Gene David Mathern, Lone Pine, CA  
David A. Matthews, Ridgecrest, CA  
Robert Mauk, Barstow, CA  
Ralph Mc Cracken, Amargosa Valley, NV  
Hugh Mc Creary, Las Vegas, NV  
Bob Mc Govern, Bishop, CA  
Bill Mc Intire, Lancaster, CA  
J. S. Mc Intyre, Laguna Beach, CA  
Cliff Mead, San Diego, CA  
Stephen Meadows, Boulder Creek, CA  
Greg Miller, Michael Brandman Assoc., Tustin, CA

Jon Miller, Mary Ann Miller, Hesperia, CA  
 Virgil Miller, Bakersfield, CA  
 Don Mills, Ridgecrest, CA  
 Madeleine Mitchell, Paul Mitchell, Reedley, CA  
 Roger Mitchell, Coarsegold, CA  
 Celso C. Morrison, Atwood, CA  
 Chuck Mueller, Barstow, CA  
 Ken Nagy, UCLA, Los Angeles, CA  
 Kerri Nelson, Kyle Nelson, Death Valley, CA  
 Ralph E. Nelson, Springfield, OR  
 Bob Newgard, Chicago, IL  
 Janice Newton, Death Valley, CA  
 Kenneith L. Notter, Escondido, CA  
 Mike Painter, San Francisco, CA  
 Loro Paterson, La Honda, CA  
 Herman A. Paulk, San Bernardino, CA  
 Mr. Alan Peckham, Las Vegas, NV  
 Raymond J. Peter, Death Valley '49ers, Sherman Oaks, CA  
 Wayne Pierce, Oroville, CA  
 David Potter, Seal Beach, CA  
 Tom Praisler, Columbia, CA  
 Mr. Michael J. Prather, Lone Pine, CA  
 Judith Pratt, Bakersfield, CA  
 William Presch, Ph.D., Desert Studies, Fullerton, CA  
 Michael H. Rauschkolb, U.S. Borax Inc., Valencia, CA  
 Rick Rebel, Garden Grove, CA  
 Barbara R. Reber, Newport Beach, CA  
 Ida Reese, Darwin, CA  
 Steve Reese, Darwin, CA  
 Kenneth Reim, Las Vegas, NV  
 Paul Renner, Pacific Palisades, CA  
 Ed Rhoades, San Bernardino, CA  
 Norbert Riedy, Pescadero, CA  
 George Riippi, Beverly Hills, CA  
 Leslie Ritchie, Marietta, OH  
 Ken Roelen, Moscow, ID  
 Gary Rogers, Reedley, CA  
 George Rohrer, Hermosa Beach, CA  
 Ed Rothfuss, Kalispell, MT  
 Steve Ruthven, Lancaster, CA  
 Cornel Rylaarsdam, Death Valley 49ers, Bellflower, CA  
 Cindy Sage, Orrin Sage, Sage Associates, Montecito, CA  
 Gilbert Saiz, Barstow, CA  
 Eugene C. Saltzen, Vista, CA  
 Carrie Sammons, Bob, Evans, Bend, OR  
 Sarah Scher, Alan McCann-Sayles, McKinleyville, CA  
 Hank Schuette, Ridgecrest, CA  
 Earl F. Schmidt, Jr., Death Valley '49ers, Murphys, CA  
 Mr. Wayne W. Schulz, Mariposa, CA  
 Dale Schutte, Pahrump, NV



Lavonne, Selbach, Ronel Selbach, Amargosa Valley, NV  
 Claude Seymour, Sherri Seymour, Alexandria, VA  
 Bonnie Skinner, South Lake Tahoe, CA  
 David Slater, Sandy Slater, Ridgecrest, CA  
 Judy Smith, Monagraphics Acqu. Services, Ft. Collins, CO  
 Ronald E. Smith, Nancy C. Smith, Bishop, CA  
 Walter L. Smith, Hesperia, CA  
 Denton Sonke, Bishop, CA  
 Gary Speegle, Ridgecrest, CA  
 Bobbie Stephenson, Recon, San Diego, CA  
 Greg Stewart Photography, Laguna Beach, CA  
 Edward Stirling, Glendale, AZ  
 Jay Stoa, Lucerne Valley, CA  
 Jim Straight, Rialto, CA  
 Rose Strickland, Reno, NV  
 Terence Stoker, San Mateo, CA  
 Robert Strub, Trona, CA  
 Tom Summers, Reno, NV  
 William J. Swallow III, San Diego, CA  
 Michael K. Tandy, Berkeley, CA  
 John W. Thomas III, Long Beach, CA  
 Terry R. Thomas, Environmental Management Associates, Brea, CA  
 Tommy Thompson, Bishop, CA  
 Hugh Tolford, Death Valley '49ers, Sherman Oaks, CA  
 Robert Trent, Fallbrook, CA  
 Alec J. Tsongas, Darwin, CA  
 Mark S. Tucker, Manhattan Beach, CA  
 Valley Prosp., San Bernardino, CA  
 Carl Volkmar, North Las Vegas, NV  
 Edmund Wallasch, Las Crescenta, CA  
 John H. Walter, Nancy Peterson Walter, Mammoth Lakes, CA  
 Tracy Walters, Hesperia, CA  
 James R. Warner, Squaw Valley, CA  
 Samuel R. Wasson, Bishop, CA  
 Chuck Weber, Sunnyvale, CA  
 Carl Wheat, Ventura, CA  
 Francis M. Wheat, Los Angeles, CA  
 John J. Wheeling, Independence, CA  
 Shana Woodfield, Calistoga, CA  
 Wynn Zaugg, Hacienda De Los Melagros, Chino Valley, AZ  
 John Zimmerman, Genesis Gold Corp, Salt Lake City, UT

A total of about 550 individuals received either printed or CD-ROM copies of the plan. An unknown number of persons viewed the document online or at a library.

## **APPENDIX B: LIST OF COMMENTERS ON THE REVISED DRAFT ENVIRONMENTAL IMPACT STATEMENT AND GENERAL MANAGEMENT PLAN, JULY 2000**

Ileene Anderson, Los Angeles, CA, California Native Plant Society  
Norman H. Anderson, Del Mar, CA  
Jim Arbogast, Anaheim, CA, CORVA  
Robert Atwood, Monrovia, CA  
George Barnes, Sierra Club, CA/NV Desert Committee  
E.F. Bartholomew, New River, AZ  
Gary Bartlett, Ridgecrest, CA, Gear Grinders 4 Wheel Drive Club, Inc.  
Chris Bonner, Holly Bonner, Madera, CA  
James T. Cameron, Bishop, CA  
Theodore Chavannes, Thousand Oaks, CA  
R.D. Czechorosky, Pahrump, NV  
Chris Eckert, Trona, CA, CR Briggs Corporation  
Karl Eitenmiller, Carson City, NV, Nevada State Clearinghouse, Water Resources  
TinaMarie Ekker, Missoula, MT, Wilderness Watch  
Heather K. Elliott, Carson City, NV, State of Nevada Department of Administration  
Bob Ellis, Oakland, CA, Desert Survivors  
David J. Farrel, Leonidas Payne, San Francisco, CA, EPA, Region IX  
Christy Gerencher, Frederick, MD, Aircraft Owners and Pilots Association  
Kathy Goss, Darwin, CA  
Mary L. Grimsley, Ridgecrest, CA  
D. P. H. Hasselman, Blacksburg, VA  
Jeanie S. Haye, Ridgecrest, CA, Sierra Club, Owens Peak Gr, Kern Kaweah Ch.  
Stan Haye, Ridgecrest, CA, Death Valley National Park Advisory Commission  
George Huxtable, San Mateo, CA, Death Valley Hiker Association  
Steven Krefting, Washington, DC, National Parks and Conservation Association  
Loren L. Lutz, D.D.S., Society for the Protection and Care of Wildlife  
Brandt Mannchen, Bellaire, TX  
Tamara J. McKenzie, Ridgecrest, CA  
Sophia Anne Merk, Ridgecrest, CA  
James D. Morefield, Carson City, NV, Nevada State Clearinghouse, Natural Heritage Program  
Tom Myers, Reno, NV, Great Basin Mine Watch  
Daniel Patterson, Kassie Siegel, Berkeley, CA, Center for Biological Diversity  
Alan Peckham, Las Vegas, NV, Death Valley National Park Advisory Commission  
Dan Pettit, Burlington, VT  
Alan Pickard, Long Beach, CA, California Department of Fish and Game  
Shellye Poster, Seattle, WA  
Kenneth M. Reim, Las Vegas, NV  
Edward A. Seidel, Goleta, CA  
Carolyn A. Shepherd, China Lake, CA, Department of the Navy, Naval Air Weapons Station  
Mike Sigler, Graton, CA  
Lewis Silverman, West Hills, CA  
Kenneth E. Trott, Sacramento, CA, State of California Department of Conservation  
Charles S. Thistlewaite, Independence, CA, Inyo County Planning Department  
Johanna Wald, Washington, DC, Natural Resources Defense Council  
Jay Watson, Washington, DC, The Wilderness Society  
Reed White, Corvallis, OR, Alta Research

## **APPENDIX C: LIST OF AGENCIES AND ORGANIZATIONS TO WHOM COPIES OF THE FINAL ENVIRONMENTAL IMPACT STATEMENT AND GENERAL MANAGEMENT PLAN WERE SENT**

### **Federal Agencies**

#### **Department of the Army**

Army Corp of Engineers, Los Angeles District, Los Angeles, CA  
Army Corp of Engineers, Sacramento District, Sacramento, CA

#### **Department of Defense**

National Training Center, Phil Anderson, Fort Irwin, CA  
Naval Air Weapons Station, Tom Campbell, Steve Cooper, Carolyn A. Shepherd, China Lake, CA

#### **Department of the Interior**

Bureau of Indian Affairs, Ronald Jaeger, Sacramento, CA  
Bureau of Land Management, Tonopah Resource Office, Pat Hicks, Tonopah, NV  
Bureau of Land Management, Mike Pool, Sacramento, CA  
Bureau of Land Management, Desert District, Dick Crowe, Bill Haigh, Tim Salt, Alan Stein, Riverside, CA  
Bureau of Land Management, Barstow Field Office, Tim Read, Edythe Seehafer, Barstow, CA  
Bureau of Land Management, Ridgecrest Field Area Office, Ahmed Mohsen, Ridgecrest, CA  
Bureau of Land Management, Bishop Field Office, Bruce Kinney, Bishop, CA  
Bureau of Land Management, Nevada State Office, Brian C. Amme, Reno, NV  
Bureau of Land Management, Needles Field Area Office, Molly Brady, Needles, CA  
Bureau of Land Management, Las Vegas District Office, Mike Dwyer, Las Vegas, NV  
National Park Service, Joshua Tree National Park, Ernest Quintana, Twentynine Palms, CA  
National Park Service, Sequoia and Kings Canyon NP, Bill Kange, Three Rivers, CA  
National Park Service, WASO, John Coates, Washington, DC  
National Park Service, Environmental Quality Division, Warren Brown, Washington, DC  
National Park Service, Death Valley National Park, Beatty Ranger Station, Beatty, NV  
National Park Service, National Park Service, Lake Mead NRA, Jim Holland, Boulder City, NV  
U.S. Fish and Wildlife Service, CA/NV Refuge Planning Office, Mark Pelz, Sacramento, CA  
U.S. Geological Survey, Biological Resources Division, Colorado Plateau Field Station, Kathryn Thomas, Flagstaff, AZ  
U.S. Geological Survey, Canyon Crest Field Station, Hal Avery, Riverside, CA  
Eastern Sierra Interagency Visitor Center, Lone Pine, CA  
Environmental Protection Agency, Region 9, David J. Farrel, Leonidas Payne, San Francisco, CA  
U.S. Forest Service, Jim Tallerico, Las Vegas, NV  
U.S. Forest Service, Inyo National Forest, John Schuyler, Bishop, CA

### **Federal Advisory Groups**

Death Valley National Park Advisory Commission

**Elected Officials**

Governor Gray Davis, Sacramento, CA  
Honorable Shelley Berkeley, U.S. House of Representatives, Washington, DC  
Honorable Barbara Boxer, U. S. Senate, Washington, DC  
Honorable Richard Bryan, U. S. Senate, Washington, DC  
Honorable John Ensign, U. S. House Of Representatives, Las Vegas, NV  
Honorable Dianne Feinstein, U. S. Senate, Washington, DC  
Honorable Jim Gibbons, U. S. House of Representatives, Washington, DC  
Honorable Jerry Lewis, U. S. House of Representatives, Redlands, CA  
Honorable Harry Reid, U. S. Senate, Washington, DC

**State Agencies**

California Department of Conservation, Division of Mines and Geology, Office of Mine Reclamation, Kenneth E. Trott, Sacramento, CA  
California Department of Fish and Game, Vern Bleich, Denyse Racine, Bishop, CA  
California Department of Fish and Game, Andy Pauli, Apple Valley, CA  
California Department of Fish and Game, Rocky Thompson, Lake Isabella, CA  
California Department of Fish and Game, Al Lapp, Coleville, CA  
California Department of Fish and Game, Alan Pickard, Long Beach, CA  
California Department of Parks and Recreation, Off Highway Vehicle Division, Cliff Glidden, Don Murphy, Sacramento, CA  
California Department of Transportation, Tom Hallenbeck, Katy Walton, Bishop, CA  
California Department of Transportation, Stan Lisiewicz, San Bernardino, CA  
California Federation of Mineralogical Society, Susan Hickman, Yermo, CA  
California State Historic Preservation Officer, Knox Mellon, Sacramento, CA  
California State Lands Commission, Robert Lynch, Sacramento, CA  
California State University, Desert Studies Center, Rob Fulton, Baker, CA  
Nevada Department of Administration State Clearinghouse, Heather K. Elliott, Carson City, NV  
Nevada Division of Minerals, Carson City, NV  
Nevada Division of Wildlife, Jon Sjoberg, Las Vegas, NV  
Nevada State Historic Preservation Officer, Ronald M. James, Carson City, NV  
University Of Arizona, SW Center, Sonoran Desert NP Project, Lyn Wilson, Tucson, AZ  
University of California Division of Agriculture and Natural Resources, Alexander N. Glazer, Oakland, CA

**Local Agencies**

Baker Area Chamber of Commerce, Baker, CA  
Big Pine Chamber of Commerce, William E. Wright, Big Pine, CA  
Calico Ghost Town, San Bernardino County Regional Park, Serena Steiner, Yermo, CA  
City of Hesperia, Hesperia, CA  
Clark County Department of Comprehensive Planning, Ron Gregory, Las Vegas, NV  
Clark County Department of Parks and Recreation, Ms. Joan S. Lolmaugh, Las Vegas, NV  
Clark County Gem Collection, Frank Rowley, Las Vegas, NV  
Death Valley Chamber of Commerce, Shoshone, CA  
Indian Wells Valley Water District, Arden Wallum, Ridgecrest, CA  
Inyo County, Brent Wallace, Independence, CA  
Inyo County Board of Supervisors, Michael A. Dorame, Independence, CA  
Inyo Co. Board of Supervisors, Carroll Hambleton, Independence, CA  
Inyo County Board of Supervisors, Robert E. Michener, Independence, CA

Inyo County Planning Department, Peter Chamberlin, Chuck Thistlethwaite, Independence, CA  
 Kern County Board of Supervisors, Supervisor John McQuiston, Bakersfield, CA  
 Mono County Board of Supervisors, Bridgeport, CA  
 Mono County Planning Department, Scott Burns, Mammoth Lakes, CA  
 Nye County, William L. Offutt, Tonopah, NV  
 Nye County, Board of Commissioners, Honorable Robert Revert, Beatty, NV  
 Nye County, Department of Natural Resources and Federal Facilities, Les Bradshaw, Pahrump, NV  
 Pahrump Public Lands, Advisory Board, Ken Grubb, Pahrump, NV  
 San Bernardino County, Board of Supervisors, Honorable Kathy Davis, Apple Valley, CA  
 San Bernardino County, Board of Supervisors, Gerry Hillier, San Bernardino, CA  
 San Bernardino County, Board of Supervisors, Mike Raihle, San Bernardino, CA  
 San Bernardino Planning Department, Ty Schuling, San Bernardino, CA  
 Town of Amargosa, Amargosa, NV

### **Organizations**

Aircraft Owners and Pilots Association, Christy Gerencher, Frederick, MD  
 American Lands Alliance, Mark N. Salvo, Portland, OR  
 American Motorcycle Association-District 37, Jerry Counts, Canoga Park, CA  
 Animal Legal Defense Fund, Nancy Brown-Kobil, Esq., Rockville, MD  
 Animal Protection Institute, Christopher Papouchis, Sacramento, CA  
 BLM Lands Foundation, George Early, San Diego, CA  
 Blue Ribbon Coalition, Mark Trinko, Las Vegas, NV  
 California Deserts Tourism Association, Mr. Gilbert G. Zimmerman, Rancho Mirage, CA  
 California Native Plant Society, Ileene Anderson, West Hollywood, CA  
 California Off-Road Vehicle Association, Ed Waldheim, Glendale, CA, Jim Arbogast, Anaheim, CA  
 Center for Biological Diversity, Daniel Patterson, Tucson, AZ, Kassie Siegel, Berkeley, CA  
 Center for Environmental Connections, Rob, Kulakofsky, Tucson, AZ  
 Chatsworth Womens Club, Kay Virgiel, Northridge, CA  
 Committee for Responsible Growth, Robin M. Simmons, Barbara Chamberlain, Potrero, CA  
 The Conservation Fund, David J. Kirk, Boulder, CO  
 The Conservation Corp St. Museum, Bud Wilbur, San Diego, CA  
 Death Valley Hiker Association, George Huxtable, San Mateo, CA  
 Death Valley Natural History Association, Death Valley, CA  
 Desert Survivors, Bob Ellis, Oakland, CA  
 Desert Tortoise Council, Katherine Zander, Wrightwood, CA  
 Desert Tortoise Preserve Committee, Michael Connor, Riverside, CA  
 Eastern Sierra Audubon Society, James Wilson, Bishop, CA  
 Escalante Wilderness Project, Tori Woodard, Patrick Diehl, Escalante, UT  
 Friends of the Santa Monica Mountains, Susan B. Nelson, Los Angeles, CA  
 Gear Grinders 4WD Club, Inc., Mary Grimsley, Gary Bartlett, Ridgecrest, CA  
 Great Basin Mine Watch, Tom Myers, Reno, NV  
 High Desert Multiple Use Coalition, Ron Schiller, Ridgecrest, CA  
 The Historic Access Recovery Project, Richard Lassen, Reno, NV  
 Las Vegas Gem Club, Jack Toogood, Las Vegas, NV  
 National Parks and Conservation Association, Brian Huse, Helen Wagenvoord, Oakland, CA, Steven Krefting, Washington, DC  
 Natural Resources Defense Council, Johanna H. Wald, San Francisco, CA  
 Public Lands for the People, Dee Stapp, San Bernardino, CA

Rainforest Action Network, Nancie Sailor, Los Altos, CA  
Red Rock Audubon, John Hiatt, Hermi Hiatt, Las Vegas, NV  
Saline Preservation Association, Rebecca Phillips, Chino, CA  
Sierra Club, Edgar Wayburn, San Francisco, CA  
Sierra Club, CA/NV Desert Committee, George Barnes  
Sierra Club, Owens Peak Group, Kern Kaweah Chapter, Jeanie S. Haye, Ridgecrest, CA  
Society for the Conservation of Bighorn Sheep, John T. Nelson, Stevenson Ranch, CA  
Society for the Protection and Care of Wildlife, Loren Lutz, Pasadena, CA  
Southwest Forest Alliance, Kim Crumbo, Grand Canyon, AZ  
State Conservationist, Reno, NV  
Tierra Del Sol 4WD Club of San Diego, Dave Londo, Sherry MacDougall, Gale O. MacDougall, Pete Nelson, Judy Nelson, John Stewart, San Diego, CA, Ken Johnson, Vista, CA  
Wild Burro Rescue and Preservation Project, Gene Chontos, Diana Chontos, Onalaska, WA  
The Wilderness Society, Sally E. Miller, Jay Watson, Lee Vining, CA  
Wilderness Watch, Glenn Marangelo, Tinamarie Ekker, Missoula, MT

### **Tribal Governments**

Agua Caliente Band of Cahuilla Indians, Michael Kellner, Palm Springs, CA  
Pascua Yaqui Tribal Council, Kevin Kish, Tucson, AZ  
Timbisha Shoshone Tribe, Pauline Esteves, Death Valley, CA

### **Libraries**

Amargosa Valley Public Library, Amargosa Valley, NV  
Angeles Mesa Library, Los Angeles, CA  
Balboa Library, Balboa, CA  
Beatty Library, Beatty, NV  
Boulder City Library, Boulder City, NV  
California State University, Long Beach, Library Gov. Publication, Long Beach, CA  
California State University, Northridge, Oviatt Library, Northridge, CA  
Clark County Library, Las Vegas, NV  
Henderson Public Library, Henderson, NV  
Inyo County Free Library, Bishop Branch, Bishop, CA  
Inyo County Free Library, Furnace Creek Branch, Death Valley, CA  
Inyo County Free Library, Independence, CA  
Inyo County Free Library, Lone Pine Branch Library, Lone Pine, CA  
Las Vegas Public Library, Las Vegas, NV  
Mohave County Library, Kingman, AZ  
Napa City County Library, Napa, CA  
Pahrump Library, Pahrump, NV  
Pasadena Public Library, Pasadena, CA  
Ridgecrest Library, Ridgecrest, CA  
Sacramento Central Library, Sacramento, CA  
San Bernardino County Library, Barstow Branch, Barstow, CA  
San Bernardino County Library, Needles Branch, Needles, CA  
San Bernardino County Library, Administration, San Bernardino, CA  
San Bernardino County Library, Victorville Branch, Victorville, CA  
San Francisco Public Library, Civic Center, San Francisco, CA  
Seattle Public Library, Seattle, WA  
Shasta County Library, Redding, CA  
Southern Oregon University, Library Documents, Ashland, OR

Sunrise Public Library, Las Vegas, NV  
Tecopa Branch Library, Tecopa, CA  
University of Arizona Main Library, Tucson, AZ  
University of California, Irvine, Main Library, Irvine, CA  
University of Nevada, Las Vegas, James R. Dickinson Library, Las Vegas, NV

**Individuals**

Norman H. Anderson, Del Mar, CA  
Robert Atwood, Monrovia, CA  
E.F. Bartholomew, New River, AZ  
Chris Bonner, Holly Bonner, Madera, CA  
James T. Cameron, Bishop, CA  
Theodore Chavannes, Thousand Oaks, CA  
R.D. Czechorosky, Pahrump, NV  
Chris Eckert, Trona, CA, CR Briggs Corporation  
Kathy Goss, Darwin, CA  
D. P. H. Hasselman, Blacksburg, VA  
Stan Haye, Ridgecrest, CA  
Brandt Mannchen, Bellaire, TX  
Tamara J. McKenzie, Ridgecrest, CA  
Sophia Anne Merk, Ridgecrest, CA  
Dan Pettit, Burlington, VT  
Shellye Poster, Seattle, WA  
Kenneth M. Reim, Las Vegas, NV  
Edward A. Seidel, Goleta, CA  
Mike Sigler, Graton, CA  
Lewis Silverman, West Hills, CA  
Reed White, Corvallis, OR, Alta Research



# **APPENDIX D: 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,

## **SECTION 1. SHORT TITLE.**

This Act may be cited as the “Timbisha Shoshone Homeland Act”.

## **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.

### SEC. 4. DEFINITIONS.

In this Act:

- (1) PARK- The term “Park” means Death Valley National Park, including any additions to that Park.
- (2) SECRETARY- The term “Secretary” means the Secretary of the Interior or the designee of the Secretary.
- (3) TRIBAL- The term “tribal” means of or pertaining to the Tribe.
- (4) TRIBE- The term “Tribe” means the Timbisha Shoshone Tribe, a tribe of American Indians recognized by the United States pursuant to part 83 of title 25, Code of Federal Regulations (or any corresponding similar regulation or ruling).
- (5) TRUST LANDS- The term “trust lands” means those lands taken into trust pursuant to this Act.

#### SEC. 5. TRIBAL RIGHTS AND AUTHORITY ON THE TIMBISHA SHOSHONE HOMELAND.

(a) IN GENERAL- Subject to valid existing rights (existing on the date of enactment of this Act), all right, title, and interest of the United States in and to the lands, including improvements and appurtenances, described in subsection (b) are declared to be held in trust by the United States for the benefit of the Tribe. All maps referred to in subsection (b) shall be on file and available for public inspection in the appropriate offices of the National Park Service and the Bureau of Land Management.

#### (b) PARK LANDS AND BUREAU OF LAND MANAGEMENT LANDS DESCRIBED-

(1) IN GENERAL- The following lands and water shall be held in trust for the Tribe pursuant to subsection (a):

(A) Furnace Creek, Death Valley National Park, California, an area of 313.99 acres for community development, residential development, historic restoration, and visitor-related economic development, depicted as Tract 37 on the map of Township 27 North, Range 1 East, of the San Bernardino Meridian, California, numbered Map #1 and dated December 2, 1999, together with 92 acre feet per annum of surface and ground water for the purposes associated with the transfer of such lands. This area shall include a 25-acre, nondevelopment zone at the north end of the area and an Adobe Restoration zone containing several historic adobe homes, which shall be managed by the Tribe as a tribal historic district.

(B) Death Valley Junction, California, an area of approximately 1,000 acres, as generally depicted on the map entitled “Death Valley

Junction, California”, numbered Map #2 and dated April 12, 2000, together with 15.1 acre feet per annum of ground water for the purposes associated with the transfer of such lands.

(C)(i) Centennial, California, an area of approximately 640 acres, as generally depicted on the map entitled “Centennial, California”, numbered Map #3 and dated April 12, 2000, together with an amount of ground water not to exceed 10 acre feet per annum for the purposes associated with the transfer of such lands.

(ii) If the Secretary determines that there is insufficient ground water available on the lands described in clause (i) to satisfy the Tribe’s right to ground water to fulfill the purposes associated with the transfer of such lands, then the Tribe and the Secretary shall, within 2 years of such determination, identify approximately 640 acres of land that are administered by the Bureau of Land Management in that portion of Inyo County, California, to the north and east of the China Lake Naval Weapons Center, to be a mutually agreed upon substitute for the lands described in clause (i). If the Secretary determines that sufficient water is available to fulfill the purposes associated with the transfer of the lands described in the preceding sentence, then the Tribe shall request that the Secretary accept such lands into trust for the benefit of the Timbisha Shoshone Tribe, and the Secretary shall accept such lands, together with an amount of water not to exceed 10 acre feet per annum, into trust for the Tribe as a substitute for the lands described in clause (i).

(D) Scotty’s Junction, Nevada, an area of approximately 2,800 acres, as generally depicted on the map entitled “Scotty’s Junction, Nevada”, numbered Map #4 and dated April 12, 2000, together with 375.5 acre feet per annum of ground water for the purposes associated with the transfer of such lands.

(E) Lida, Nevada, Community Parcel, an area of approximately 3,000 acres, as generally depicted on the map entitled “Lida, Nevada, Community Parcel”, numbered Map #5 and dated April 12, 2000, together with 14.7 acre feet per annum of ground water for the purposes associated with the transfer of such lands.

(2) WATER RIGHTS- The priority date of the Federal water rights described in subparagraphs (A) through (E) of paragraph (1) shall be the date of enactment of this Act, and such Federal water rights shall be junior to Federal and State water rights existing on such date of enactment. Such Federal water rights shall not be subject to relinquishment, forfeiture or abandonment.

(3) LIMITATIONS ON FURNACE CREEK AREA DEVELOPMENT-

(A) DEVELOPMENT- Recognizing the mutual interests and responsibilities of the Tribe and the National Park Service in and for

the conservation and protection of the resources in the area described in paragraph (1), development in the area shall be limited to--

(i) for purposes of community and residential development--

(I) a maximum of 50 single-family residences; and

(II) a tribal community center with space for tribal offices, recreation facilities, a multipurpose room and kitchen, and senior and youth facilities;

(ii) for purposes of economic development--

(I) a small-to-moderate desert inn; and

(II) a tribal museum and cultural center with a gift shop; and

(iii) the infrastructure necessary to support the level of development described in clauses (i) and (ii).

(B) EXCEPTION- Notwithstanding the provisions of subparagraph (A)(ii), the National Park Service and the Tribe are authorized to negotiate mutually agreed upon, visitor-related economic development in lieu of the development set forth in that subparagraph if such alternative development will have no greater environmental impact than the development set forth in that subparagraph.

(C) RIGHT-OF-WAY- The Tribe shall have a right-of-way for ingress and egress on Highway 190 in California.

(4) LIMITATIONS ON IMPACT ON MINING CLAIMS- Nothing in this Act shall be construed as terminating any valid mining claim existing on the date of enactment of this Act on the land described in paragraph (1)(E). Any person with such an existing mining claim shall have all the rights incident to mining claims, including the rights of ingress and egress on the land described in paragraph (1)(E). Any person with such an existing mining claim shall have the right to occupy and use so much of the surface of the land as is required for all purposes reasonably necessary to mine and remove the minerals from the land, including the removal of timber for mining purposes. Such a mining claim shall terminate when the claim is determined to be invalid or is abandoned.

(c) LEGAL DESCRIPTIONS- Not later than 1 year after the date of enactment of this Act, the Secretary shall file a legal description of the areas described in subsection (b) with the Committee on Resources of the House of Representatives and with the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate. Such legal description shall have the same force and effect as if the information contained in the description were included in that

subsection except that the Secretary may correct clerical and typographical errors in such legal description and in the maps referred to in the legal description. The legal description shall be on file and available for public inspection in the offices of the National Park Service and the Bureau of Land Management.

(d) **ADDITIONAL TRUST RESOURCES-** The Secretary may purchase from willing sellers the following parcels and appurtenant water rights, or the water rights separately, to be taken into trust for the Tribe:

(1) Indian Rancheria Site, California, an area of approximately 120 acres, as generally depicted on the map entitled "Indian Rancheria Site, California" numbered Map #6 and dated December 3, 1999.

(2) Lida Ranch, Nevada, an area of approximately 2,340 acres, as generally depicted on the map entitled "Lida Ranch" numbered Map #7 and dated April 6, 2000, or another parcel mutually agreed upon by the Secretary and the Tribe.

(e) **SPECIAL USE AREAS-**

(1) **IN GENERAL-** The areas described in this subsection shall be nonexclusive special use areas for the Tribe, subject to other Federal law. Members of the Tribe are authorized to use these areas for low impact, ecologically sustainable, traditional practices pursuant to a jointly established management plan mutually agreed upon by the Tribe, and by the National Park Service or the Bureau of Land Management, as appropriate. All maps referred to in paragraph (4) shall be on file and available for public inspection in the offices of the National Park Service and Bureau of Land Management.

(2) **RECOGNITION OF THE HISTORY AND CULTURE OF THE TRIBE-** In the special use areas, in recognition of the significant contributions the Tribe has made to the history, ecology, and culture of the Park and to ensure that the visitor experience in the Park will be enhanced by the increased and continued presence of the Tribe, the Secretary shall permit the Tribe's continued use of Park resources for traditional tribal purposes, practices, and activities.

(3) **RESOURCE USE BY THE TRIBE-** In the special use areas, any use of Park resources by the Tribe for traditional purposes, practices, and activities shall not include the taking of wildlife and shall not be in derogation of purposes and values for which the Park was established.

(4) **SPECIFIC AREAS-** The following areas are designated special use areas pursuant to paragraph (1):

(A) **MESQUITE USE AREA-** The area generally depicted on the map entitled "Mesquite Use Area" numbered Map #8 and dated April 12, 2000. The Tribe may use this area for processing mesquite using traditional plant management techniques such as thinning,

pruning, harvesting, removing excess sand, and removing exotic species. The National Park Service may limit and condition, but not prohibit entirely, public use of this area or parts of this area, in consultation with the Tribe. This area shall be managed in accordance with the jointly established management plan referred to in paragraph (1).

(B) BUFFER AREA- An area of approximately 1,500 acres, as generally depicted on the map entitled "Buffer Area" numbered Map #8 and dated April 12, 2000. The National Park Service shall restrict visitor use of this area to protect the privacy of the Tribe and to provide an opportunity for the Tribe to conduct community affairs without undue disruption from the public.

(C) TIMBISHA SHOSHONE NATURAL AND CULTURAL PRESERVATION AREA- An area that primarily consists of Park lands and also a small portion of Bureau of Land Management land in California, as generally depicted on the map entitled "Timbisha Shoshone Natural and Cultural Preservation Area" numbered Map #9 and dated April 12, 2000.

(5) ADDITIONAL PROVISIONS- With respect to the Timbisha Shoshone Natural and Cultural Preservation Area designated in paragraph (4)(C)--

(A) the Tribe may establish and maintain a tribal resource management field office, garage, and storage area, all within the area of the existing ranger station at Wildrose (existing as of the date of enactment of this Act);

(B) the Tribe also may use traditional camps for tribal members at Wildrose and Hunter Mountain in accordance with the jointly established management plan referred to in paragraph (1);

(C) the area shall be depicted on maps of the Park and Bureau of Land Management that are provided for general visitor use;

(D) the National Park Service and the Bureau of Land Management shall accommodate access by the Tribe to and use by the Tribe of--

(i) the area (including portions described in subparagraph (E)) for traditional cultural and religious activities, in a manner consistent with the purpose and intent of Public Law 95-341 (commonly known as the "American Indian Religious Freedom Act") (42 U.S.C. 1996 et seq.); and

(ii) areas designated as wilderness (including portions described in subparagraph (E)), in a manner consistent with the purpose and intent of the Wilderness Act (16 U.S.C. 1131 et seq.); and



(E)(i) on the request of the Tribe, the National Park Service and the Bureau of Land Management shall temporarily close to the general public, 1 or more specific portions of the area in order to protect the privacy of tribal members engaging in traditional cultural and religious activities in those portions; and

(ii) any such closure shall be made in a manner that affects the smallest practicable area for the minimum period necessary for the purposes described in clause (i).

(f) ACCESS AND USE- Members of the Tribe shall have the right to enter and use the Park without payment of any fee for admission into the Park.

(g) ADMINISTRATION- The trust lands shall constitute the Timbisha Shoshone Reservation and shall be administered pursuant to the laws and regulations applicable to other Indian trust lands, except as otherwise provided in this Act.

## SEC. 6. IMPLEMENTATION PROCESS.

(a) GOVERNMENT-TO-GOVERNMENT AGREEMENTS- In order to fulfill the purposes of this Act and to establish cooperative partnerships for purposes of this Act, the National Park Service, the Bureau of Land Management, and the Tribe shall enter into government-to-government consultations and shall develop protocols to review planned development in the Park. The National Park Service and the Bureau of Land Management are authorized to enter into cooperative agreements with the Tribe for the purpose of providing training on the interpretation, management, protection, and preservation of the natural and cultural resources of the areas designated for special uses by the Tribe in section 5(e)(4).

(b) STANDARDS- The National Park Service and the Tribe shall develop mutually agreed upon standards for size, impact, and design for use in planning, resource protection, and development of the Furnace Creek area and for the facilities at Wildrose. The standards shall be based on standards for recognized best practices for environmental sustainability and shall not be less restrictive than the environmental standards applied within the National Park System at any given time. Development in the area shall be conducted in a manner consistent with the standards, which shall be reviewed periodically and revised as necessary.

## **PREPARERS**

### **THE CORE PLANNING TEAM**

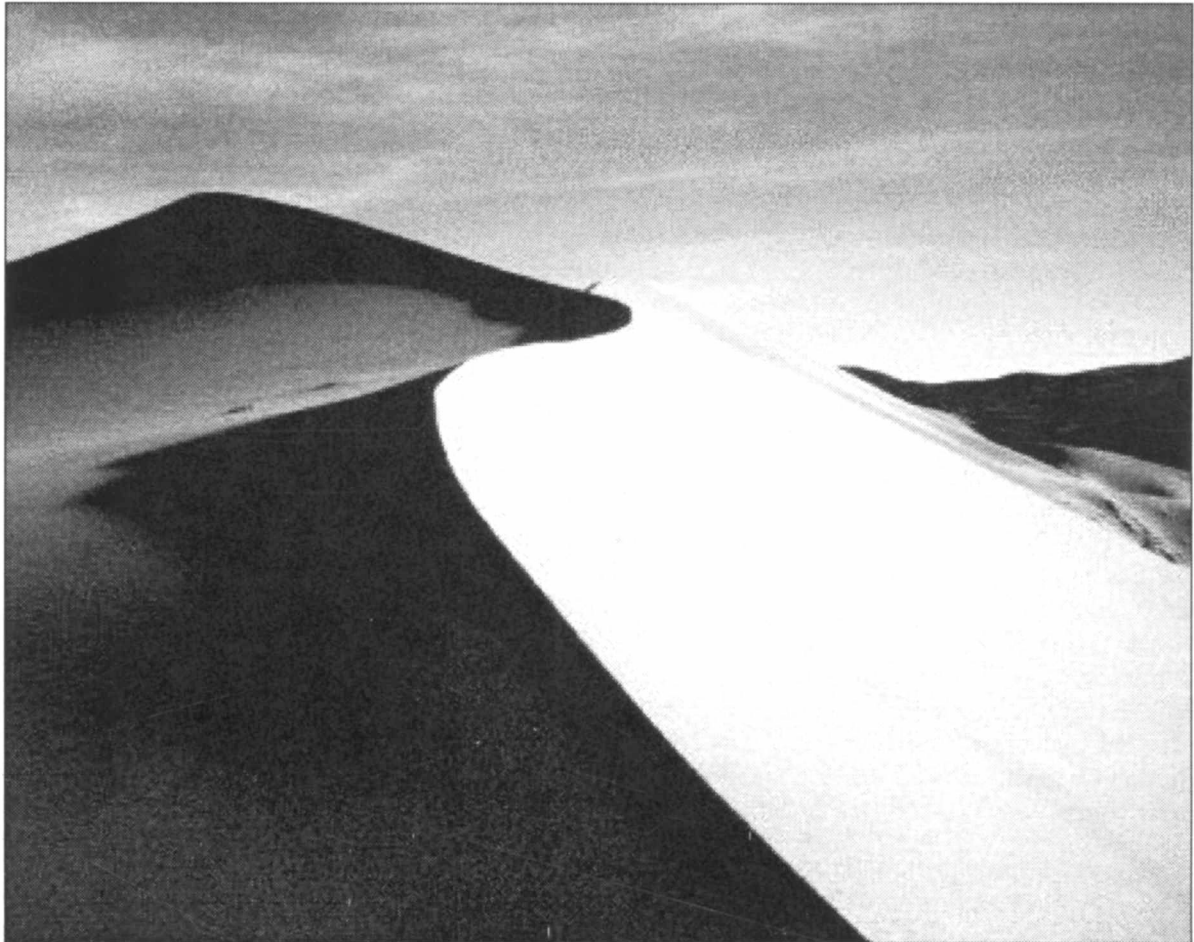
Dennis Schramm, Team Leader, Desert Ecologist, NPS, Mojave National Preserve  
Gordon Reetz, Natural Resources Specialist, NPS, Pacific Great Basin Support Office  
David Moore, Community Planner, NPS, Mojave National Preserve  
Carol Crosby, Wildlife Biologist, FWS, Barstow  
Harlan Unrau, Historian, NPS, Denver Service Center  
Jean de los Reyes, Outdoor Recreation Planner, NPS, Pacific Great Basin Support Office

### **OTHER CONTRIBUTORS**

Don Ebert, Wildlife Biologist/GIS Specialist, UNLV  
Matt Klein, GIS Technician, ECO Associate  
Roger Kelly, Archeologist, NPS, Pacific Great Basin Support Office

### **CONSULTANTS**

Dick Martin, Superintendent, Death Valley National Park  
Tim Stone, Management Assistant, Death Valley National Park  
Linda Greene, Chief, Resource Management, Death Valley National Park  
Ed Forner, Park Ranger/Pilot, Death Valley National Park  
Doug Threloff, Biologist, Death Valley National Park  
Mel Essington, Mining Engineer, Death Valley National Park  
Jed Davis, Chief of Maintenance, Death Valley National Park  
Marian ODea, Administrative Officer, Death Valley National Park  
Corky Hayes, Chief of Interpretation, Death Valley National Park  
Ray Murray, NPS Regional Planning Coordinator, Pacific Great Basin Support Office  
Alan Schmeirer, Environmental Specialist, NPS, Pacific Great Basin Support Office  
Gordon Chappell, NPS Regional Historian, Pacific Great Basin Support Office  
Larry Norris, NPS Planner, Denver Service Center





As the nation's principal conservation agency, the Department of the Interior has responsibility for most of our nationally owned public lands and natural resources. This includes fostering sound use of our land and water resources; protecting our fish, wildlife, and biological diversity; preserving the environmental and cultural values of our national parks and historical places; and providing for the enjoyment of life through outdoor recreation. The department assesses our energy and mineral resources and works to ensure that their development is in the best interests of all our people by encouraging stewardship and citizen participation in their care. The department also has a major responsibility for American Indian reservation communities and for people who live in island territories under U.S. administration.

DEVA NPS D-171b / June 2001



UNITED STATES DEPARTMENT OF THE INTERIOR • NATIONAL PARK SERVICE

