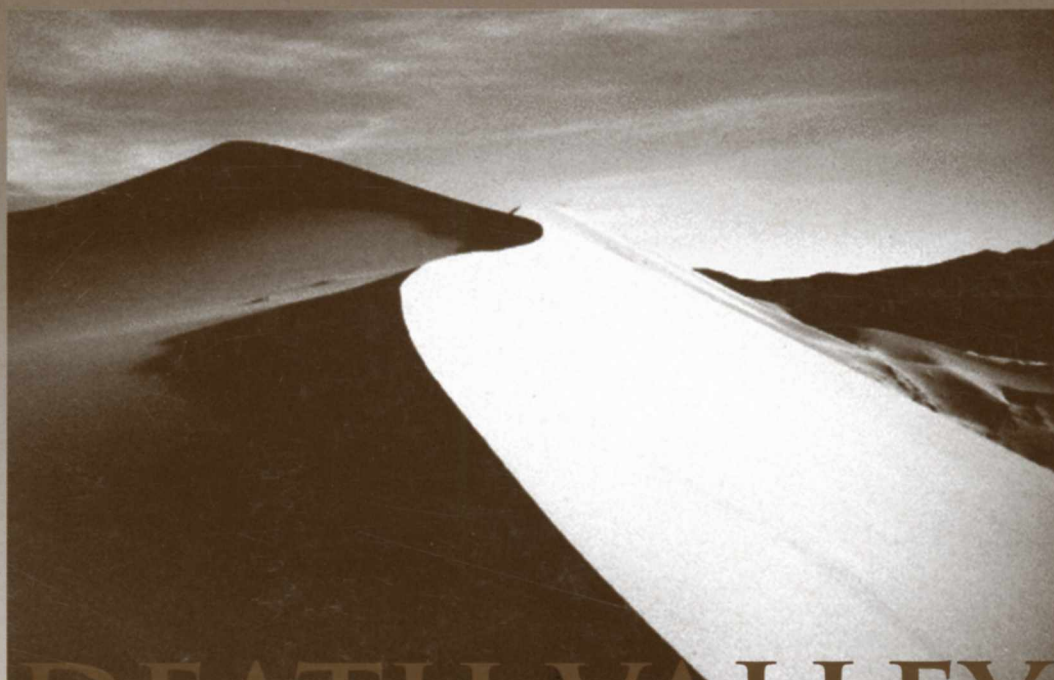




COMMENTS AND RESPONSES ON THE 1998 DRAFT
ENVIRONMENTAL IMPACT STATEMENT
AND GENERAL MANAGEMENT PLAN



DEATH VALLEY

NATIONAL PARK • CALIFORNIA AND NEVADA

PRODUCED AS A COMPONENT OF THE NORTHERN & EASTERN MOJAVE PLANNING EFFORT

JULY 2000

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INTRODUCTION

In September 1988, Death Valley National Park released its first *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 11, 1998 (FR 48727). Public review occurred from September 11, 1998 through January 15, 1999, a period of 127 days. Eleven public meetings were held in October 1998 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 450 printed copies of the *1998 Draft Environmental Impact Statement / General Management Plan* were distributed for review. In addition, about 100 CD-ROMs containing both 1998 draft plans for Death Valley National Park and Mojave National Preserve were also sent. The entire 1998 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 who were sent copies of the plan.

Death Valley National Park received approximately 613 comment letters from government agencies, tribes, interest groups, and individuals (see appendix B). The Park received a petition from the town of Darwin signed by 44 people. In addition, members of environmental groups (National Parks and Conservation Association, The Sierra Club, and The Wilderness Society) sent in approximately 1,800 identical postcards. 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 1998 draft plan. Substantive comments are summarized on the following pages, along with our responses.

Largely due to public comments, substantial changes were made to the 1998 draft plan. Consequently, the National Park Service prepared a revised draft plan to address concerns raised and to solicit additional public review on the changes. Although not required, the National Park Service also chose to provide responses to the comments received on the 1998 draft plan in an attempt to clarify issues, address inaccuracies, and provide responses to questions raised on the 1998 draft plan. This volume of the *Revised Draft Environmental Impact Statement* for Death Valley National Park provides a complete review and response to agency and public comments received on the 1998 draft plan.

AGENCY COMMENTS RECEIVED ON THE 1998 DRAFT ENVIRONMENTAL IMPACT STATEMENT AND GENERAL MANAGEMENT PLAN FOR DEATH VALLEY NATIONAL PARK

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

Agency	Code	Page
Federal Agencies		
Environmental Protection Agency	EPA	3
Department of the Navy	DON	5
Death Valley National Park Advisory Commission	DVAC	7
Native American Tribes		
Timbisha Shoshone Tribe	TIMB	10
State and County Agencies		
California Department of Fish and Game	CDFG	16
Nevada State Clearinghouse	NVS	30
Nye County Department of Natural Resources and Federal Facilities	NDNR	35
San Bernardino County Board of Supervisors	SBBS	56

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 59 is organized under the same major headings as the *1998 Draft Environmental Impact Statement and General Management Plan* that was released in September 1998. 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



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105



Superintendent
Death Valley National Park
Death Valley, CA 92328

Dear Sir or Madam:

The Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement and General Management Plan (DEIS) for **Death Valley National Park**. 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.

In the DEIS, the National Park Service (NPS) identifies three alternatives for the management of Death Valley National Park, including "no action." The NPS has not identified a preferred alternative, but Alternative 1 is listed as the "proposed plan" for the park. Alternative 1 includes numerous management actions to protect resources and provide for visitor enjoyment of the park, most notably the adoption of new management strategies for lands transferred from the Bureau of Land Management, wilderness management plans for 95% of the land within park boundaries, plans for the removal of feral burros and horses from the park, a management framework for grazing, and plans to acquire private inholdings and mineral interests which conflict with resource protection goals.

EPA1 EPA has assigned a rating of LO (Lack of Objections) to the DEIS. We commend the NPS for developing a quality management plan for the park.

EPA2 With respect to grazing, the DEIS states that the Park Superintendent will determine appropriate use, restrictions, and fees (DEIS p. 90). We encourage the NPS to set grazing fees at a level which will fully compensate the NPS for its management of grazing on NPS lands, and allow sufficient funds to take necessary actions to minimize or correct environmental problems stemming from continuing grazing within park boundaries.

EPA3 With respect to military overflights, we are concerned that the provisions of the Desert Protection Act may set a precedent which could potentially erode the definition of "wilderness" under the Wilderness Act; therefore, we encourage the NPS to work with the military to minimize noise impacts to designated wilderness areas to the maximum extent possible. The FEIS should clarify whether the Desert Protection Act was intended to supersede or modify the 1976 agreement between Death Valley National Monument and Edwards Air Force Base.

Responses

EPA1. Comment noted.

EPA2. The grazing management plan will evaluate grazing fees and appropriate fees will be established in compliance with NPS Special Use Permit guidelines. This plan will also indicate an evaluation of grazing and its impacts upon the park's lands.

EPA3. 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.

Comments

EPA4

EPA is particularly concerned about the groundwater issues identified on page 114 of the DEIS. Although we recognize that it may be difficult for the NPS to prevent excessive groundwater extraction outside park boundaries, we encourage the NPS to work with BLM and other agencies to find a reasonable solution to the problem. EPA is willing to assist the NPS in these efforts to the degree our regulatory authorities allow.

We appreciate the opportunity to review this DEIS. If you have questions about this letter, please contact Leonidas Payne of my staff at (415) 744-1571.

Sincerely,



David J. Farrel, Chief
Federal Activities Office

Responses

EPA4. The park and the National Park Service's Water Resources Division (WRD) are aware of the importance of extraction of groundwater on the park's resources. The National Park Service works closely with other local, state, and federal agencies on groundwater issues.

Comments



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

IN REPLY REFER TO:

5090
Ser 8G0000D/6292
7 Dec 98

RECEIVED

DEC 11 1998

MOJAVE NATIONAL
PRESERVE

Superintendent, United States Department of Interior
National Park Service
Mojave National Preserve
222 East Main Street, Suite 202
Barstow, CA 92311

Dear Sir:

The Naval Air Weapons Station (NAVAIRWPNSTA), China Lake, California has completed review of the *Draft Environmental Impact Statement and General Management Plan for Death Valley National Park, California and Nevada*. The Navy offers the following comments on this document. These comments have been provided by Ms. Tina Evans, Airspace Manager, Code 52E000D, who may be reached at telephone (760) 939-5071.

On page 113, Noise Overflights section, the Navy recommends the following changes:

DON1

- a. First paragraph, change "U.S. Naval Weapons Center" to read "Naval Air Weapons Station". Following "China Lake", add "Edwards AFB".
- b. Second paragraph, change "restricted airspace complex" to read "R-2508 Special Use Airspace Complex". Change "(R2508)" to read "Saline, Panamint and Shoshone MOAs". There was some confusion as to whether or not the airspace referred to is restricted or MOA.
- c. Third paragraph: The manner in which the existing paragraph is written implies that the agreement and process is limited to Edwards AFB, yet the aircraft operations are from other commands. The joint management of the Complex instituted the restriction and implements current procedures for the complaint process. Change the third paragraph to read "In 1976, the Joint Policy and Planning Board Commanders (NWC China Lake, Edwards AFB, Fort Irwin, and George AFB) agreed to restrict overflight above the existing National Monument boundaries to 3,000 feet above ground level within the R-2508 Complex. The successive creation of the Complex MOAs 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 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".

Responses

DON1. Changes have been made.

Comments

5090
Scr 8G0000D/6292
7 Dec 98

Thank you for the opportunity to review and comment on this document. If you require further assistance or have any questions regarding the above comments, Mr. Steve Cooper is the NAVAIRWPNSTA point of contact for this project. You may direct questions to him at (760) 927-1511.

Sincerely,



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

Responses

Comments

January 11, 1999

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

RECEIVED

JAN 13 1999

MOJAVE NATIONAL
PRESERVE

Dear Superintendent Martin:

The Death Valley Advisory Commission met on September 16th and 17th, and December 1st and 2nd, 1998 to discuss the Draft Environmental Impact Statement(DEIS) and General Management Plan(GMP) for Death Valley National Park. The purpose of the meetings were to examine the various issues in the DEIS and submit the Commission's views on the proposals and alternatives in the Plan during the open comment period.

The Commission's recommendations reflect a consensus of those members present. Nothing herein should be construed as limiting Commission members from making individual comments to the National Park Service on issues of specific concern to them or upon issues which the Commission did not discuss or take a position.

The Commission's comments are as follows.

There are three additions the Commission wishes to see incorporated into the Plan's background and supporting data. The additions deal with the legality of mining, formulation of a Concession Management Plan and water rights.

DVAC1

Planning Constraints and Mandates (page 46). The public needs to be aware that mining is an allowable activity in Death Valley. Therefore the following phrase should be added in this category: "Mining is a legally recognized activity in DVNP which is regulated by the Mining in the Parks Act and other appropriate laws and regulations."

DVAC2

Future Planning Efforts (page 51). Concession facilities and possible future development are an integral part of visitor accommodation in Death Valley. The Plan should provide for a Concessions Management Plan in the list of future planning efforts.

DVAC3

Appropriated Water Rights (page 267) The public should be made aware that Table B-4 is for information only and that it does not necessarily reflect all appropriated water rights, including those privately held, in the Park. A statement to this affect needs to be included with this Table.

DVAC4

The Commission has reviewed the three alternatives for each of the following categories in the DEIS and supports the Proposed Action alternative for each: Water Rights, Water

Responses

DVAC1. A statement has been added to the plan recognizing that many mining claims exist in Death Valley as a result of the area being previously open to staking of claims. These claims, subject to determination of a valid right, are recognized and their existence may result in mining proposals by their owners. The plan recognizes that mineral development is an allowable activity under the Mining in the Parks Act, NPS management policies and regulations, and other laws and regulations.

DVAC2. Although no major future development is proposed, the potential acquisition of the Furnace Creek and Panamint Springs developments from willing sellers may create a situation where large scale commercial services are overseen by the Park Service. Existing concessions activity exists at Stovepipe Wells and Scotty's Castle. In addition, other commercial services may be desirable to provide visitor services. We agree that a plan should be prepared to encompass commercial activities in the Park, including concessions. A commercial services plan has been added to the list of future planning efforts.

DVAC3. The table has been clarified to indicate that the information contained in it does not reflect every water right that may exist in the Park. It is simply a list of those rights recorded with the state in Sacramento. Other valid rights may exist and the Park will be working in conjunction with the NPS Water Resources Division to try and accumulate records for all water rights.

DVAC4. Comment noted.

Comments

Responses

Use, Floodplains/Wetlands, Paleontological Resources, Geological Resources, Cave Resources, Sensitive Species, Fire Management, Inventory and Monitoring, Cultural Resources, Native American Interests, Mineral Development Activities, Information and Orientation, Visitor Facilities, Recreational Day Use Activities, Backcountry Cabins, Visitor Use Fees, Commercial Services, General Development Concepts, Roads and Circulation, Trails, Signs, Park Administration, Employee Housing, Solid Waste Disposal, Land Ownership and Use, Park Boundary, Wilderness, Land Acquisition, Abandoned Mines, Sand and Gravel for Road Maintenance, and Plan Implementation.

DVAC5

On the following items, the Commission has qualified its support for the Proposed Action alternative for the reasons stated.

Water Development. Livestock tanks and troughs are an integral part of a grazing allotment and should remain if utilization by livestock continues. The remainder of the Proposed Action for this category is supported by the Commission.

DVAC6

Disturbed Land Restoration. The Plan should state that each site be individually evaluated and reclamation action be taken as appropriate to restore the area to as natural a condition as possible. There is confusion with the terms restore, reclaim and rehabilitate which appear to be used interchangeably throughout the Plan. Definitions for these terms would clarify some issues, such as contained in this category where "reclaimed" may be more appropriate than "restore" as used in the text of the DEIS.

DVAC7

Introduced Species. The Proposed Action alternative for this category is strongly supported. The strategy to eliminate burros within the old monument boundaries needs to be extended to the lands added to Death Valley National Park by the California Desert Protection Act. The destruction caused by burros to native plant and animal life is well documented, therefore the goal should be no burros within the Park.

DVAC8

Grazing/Range Management. The Plan needs to clearly state how livestock use, restrictions and grazing fees are to be established in the Plan to preclude drastic changes in livestock policies in future years due to NPS personnel changes. For this reason, the Commission recommends the following language be included in the Plan: "Grazing will be managed under existing allotment management plans and NPS Special Use Permit terms and conditions. Fees would be based on BLM schedules and NPS Special Use Permit costs. Restrictions on grazing use would be based on resource conditions, visitor safety and wilderness values. Use levels would be based, in the interim, on existing allotment plans, and if changed, would be based on scientific data, and in part but not entirely, on water, forage, protection of threatened and endangered species, riparian areas, water availability and soils."

DVAC9

Interpretation. The Commission supports this category, but recommends adding an educational outreach program for surrounding communities. The educational opportunities that can be provided by the staff and facilities of Death Valley needs to be made available to schools in proximity to the Park.

DVAC5. Page 63 of the 1998 draft plan addresses water developments for livestock grazing and clearly indicates that water necessary for animal health would be maintained.

DVAC6. A clarifying statement has been added indicating that a plan would be prepared for each site before actions are taken. The goals of the restoration strategy are addressed on page 66 of the 1998 draft plan.

DVAC7. Comment noted.

DVAC8. The commission's recommended language has been added.

DVAC9. We agree that community outreach is an extremely important aspect of the Park interpretive program. A paragraph has been added emphasizing the need for the Park to continually increase efforts to improve educational outreach in the surrounding communities.

DVAC10. See response to comment SBBS3.

The proposed action identifies Class I air quality designation as a desirable goal. This goal must recognize that redesignation of the Park to Class I is a state process. However, regardless of the success of this redesignation effort, the Park would work actively with the local air quality control boards to minimize effects whenever development threatens Park resources. The Park is also committed to continuing its air quality monitoring efforts, and improving them whenever funding permits and as stated in the plan, the Park would work with air pollution control officials to ensure compliance with Clean Air Act requirements.

Comments

DVAC10

Air Quality: Many National Parks are designated as Class 1 areas under the Clean Air Act. Death Valley National Park should seek Class 1 attainment as well. This action will result in the Park staff taking an active role in mitigating potential air pollution sources such as Searles and Owens Dry Lakes and perhaps other sources beyond the boundaries of the Park. The staff needs to draw public attention to pollution sources and provide educational programs that examine the positive effects of clean air.

DVAC11

Visitor Use in Saline Valley: The level of detail for the Saline Valley alternatives is beyond what is required for a GMP. The specific issues of parking, camping, airstrips, hot tubs, vehicle access and sanitation need to be addressed in a site specific plan. The Commission recommends resource and cultural protection, environmental restoration, limits on public use and cooperative management with user groups be emphasized.

DVAC12

Developed Campgrounds: Accommodation for tent campers should not be neglected. It is recommended that the following phrase be added to the Plan: "Priority shall be placed on tent only camping sites at all campgrounds."

DVAC13

Backcountry and Roadside Camping: The prohibition on backcountry campfires needs to be reexamined, taking into consideration the desire of Park visitors to have campfires. However if fires are to be allowed, resource issues, such as fuel sources, ash removal and air pollution, need to be considered to protect wilderness values.

In conclusion the Death Valley Advisory Commission wishes to complement the Planning Team for its detailed and comprehensive work on the DEIS. The Team has compiled a large volume of facts and research in an orderly fashion, easily understood by the general public.

Sincerely,



Wayne Schulz
Chairman
Death Valley Advisory Commission

cc. Dennis Schramm

Responses

DVAC11. The list of suggested site plan details for Saline Valley visitor use in the draft plan has been removed and replaced with a list of issues, concerns, and resource protection goals to be addressed by the plan. Additional data collection regarding the local environment and visitor use needs to be completed before the plan is to proceed to that level of detail. The basic issues to be addressed include: public health and safety; protection of natural and cultural resources including sensitive species protection; exotic species; visitor use levels within existing number of spas; and the quality of the visitor experience for all visitors who come to this place. The plan will state that the long-term goal/vision for Saline is to be managed according to Park and NPS management objectives along with those developed by the site management plan.

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 final plan 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.

DVAC12. A statement has been added to the plan that the Park would work to identify issues and concerns with various camp users and find ways to accommodate a variety of campers, including tents, in developed campgrounds, while enhancing the visitor experience.

DVAC13. Comment noted.

Comments

Responses

Timbisha Shoshone Tribe

COUNCIL

Pauline E. Hayes
Chairperson

Leroy Jackson
Vice-Chairperson

Grace Chad
Secretary/Treasurer

Madeline Frank
Council Member

Tom Jackson
Council Member

STAFF

Barbara A. Gudham
Administrator

15 January, 1999

Dick Martin, Superintendent
National Park Service
Death Valley National Park
Death Valley, CA 92328

Dear Superintendent Martin:

The Timbisha Shoshone Tribe would like these comments added to the Draft General Management Plan for Death Valley National Park. In particular to the proposed plan and alternatives pertaining to the Timbisha Shoshone Tribe.

TIMB1

The Timbisha Shoshone has been a federally recognized tribe without trust land for 17 years. Without a land base, it is difficult to conduct even the most basic activities of tribal government, or even to seek funding for those activities. It is also difficult to maintain tribal identity and to carry on cultural traditions with members who are dispersed by the need to live where there are jobs and homes.

The Timbisha Shoshone Tribe regard certain lands and natural formations as sacred, requiring the physical environment, water, plants and animals associated with these lands to be protected for religious and spiritual use.

The Timbisha Shoshone people are entitled to a congressionally authorized land base established within our ancestral homeland, including water, mineral and surface rights, held in trust by Congress for the exclusive use and occupancy of the Tribe. The Timbisha Shoshone Tribe's ancestral homeland includes the area now designed as the Death Valley National Park. Our proposal is for tribal rights to religious, spiritual and sacred land areas, establishing a venue to preserve the Tribe's cultural heritage, values and traditions and provides for renewed rights to manage and control its own lands. Tribal self-determination, social and economic development is tied to the acquisition of a land base. The Tribe's proposal adopts a cooperative plan with respect to federal lands currently managed by other federal agencies, or owned by private landowners, located adjacent to the Tribe's proposed reservation. The Timbisha Shoshone Tribe intends to manage its lands subject to land use policies consistent with the

TIMB1. The National Park Service concurs with these statements and they have been appropriately incorporated into the "Timbisha Shoshone Tribal Homeland Draft Secretarial Report to Congress to Establish a Permanent Tribal Land Base and Related Cooperative Activities," the *Draft Legislative Environmental Impact Statement for the Timbisha Shoshone Homeland*, and the proposed legislative language.

Comments

Responses

Congressional purpose and other compatible uses being made of the land by NPS and private entrepreneurs.

The 3.4 million acres presently encompassing the Death Valley National Park comprises a substantial portion of the Tribe's ancestral homeland dating back thousands of years. The Timbisha Shoshone Tribe seeks to have some portion of its ancestral homeland returned to it by Congress for the historical breach of trust which occurred many times over since the first white contact in the Death Valley area nearly 150 years ago. The California Desert Protection Act vastly expanded the Death Valley National Monument without giving any consideration to the needs of the landless Timbisha Shoshone Tribe, whose members presently reside at the will of the NPS on a 40 acre tract of land within the confines of a National Park, in 6 adobes and 10 mobile homes. Areas added to the Park, include the Eureka Valley, Saline Valley area and the Panamint Valley, these areas represent historically documented portions of the Timbisha Shoshone Tribe's ancestral homeland, yet in one stroke of a pen, these lands were lost to the Timbisha people.

The Timbisha Shoshone Tribe has identified numerous sites for the use of the Timbisha people, including traditional religious and spiritually sacred sites, within and outside the park which deserve special protection as a matter of federal policy by bringing the sites under the direct management and control of the Tribe through the establishment of a federal reservation or through some other mechanism. A land base within the Park will provide opportunity for expansive, yet compatible economic development to accommodate the millions of visitors to Death Valley each year.

TIMB2

In the land negotiations, we are not only concerned about today and tomorrow. We are concerned about creating lasting opportunities for many generations of our people, far into the future. In January 1998 the Timbisha Shoshone Tribe returned to the negotiation table with the National Park Service and Bureau of Land Management to produce a report of recommendations for a land base for the Timbisha Tribe within our ancestral homelands. The report responds to the California Desert Protection Act 705(b) of 1994 which calls for the Secretary of the Interior, in consultation with the Timbisha Shoshone Tribe and relevant Federal agencies, to conduct a study to identify lands suitable for a reservation within and outside the boundaries of Death Valley National Park. For the first time government to government consultation has occurred between the Tribe and the United States.

The Timbisha Shoshone Tribe hopes to regain a portion of ancestral homelands to prevent the ultimate extinction of the only historical Indian tribe in the Death Valley area.

Comments from the Timbisha Shoshone Tribe's Historic Preservation Committee are attached.

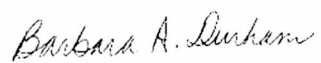
TIMB2. The National Park Service fully supports the recent draft report and will work with the Timbisha Shoshone Tribe and other agencies to realize the fill intent of the report.

Comments

Responses

12

Sincerely,

A handwritten signature in cursive script that reads "Barbara A. Durham".

Barbara A. Durham,
Tribal Administrator,
Spokesperson on Land Negotiations
for the Timbisha Shoshone Tribe

Comments

January 15, 1998

Dick Martin, Superintendent
National Park Service
Death Valley National Park
Death Valley, CA 92328

TO: Dick Martin, Superintendent, Death Valley National Park

FROM: Bill Helmer, Tribal Historic Preservation Officer, Timbisha Shoshone Tribe

SUBJECT: Comments in response to the Draft Environmental Impact Statement and General Management Plan, Death Valley National Park, California and Nevada

In 1996, the Timbisha Shoshone Tribe approved a Timbisha Shoshone Historic Preservation Plan, the creation of a Tribal Historic Preservation Office with a Historic Preservation Advisory Committee and Tribal Historic Preservation Officer, and the drafting of a Historic Preservation Ordinance. This historic preservation program will help protect the Timbisha Shoshone Tribe's ancestral homeland within and outside what is now called Death Valley National Park. The following comments concentrate on those elements of the Draft EIS which effect or could potentially effect the Timbisha Shoshone Tribe.

Alternatives--Alternative 1: Proposed Action of Death Valley National Park

TIMB3

p. 38: "Visitors in this landscape [wilderness] experience a primeval environment largely untouched by people." This sentence implies that the Timbisha Shoshone and other native peoples in the region did not interact and help shape the environment in areas which are now designated as "wilderness." However, for thousands of years the Timbisha Shoshone have interacted with this landscape in an ecologically sound manner. People taking care of the land helped create the wilderness which we see today.

TIMB4

p. 46: **Native American Access (sec. 705).** The text of this section of the CDPA should be stated here so that the full meaning of "access" is understood: "In implementing this section, the Secretary, upon the request of an Indian tribe or Indian religious community, shall temporarily close to the general public use of one or more specific portions of the park system unit or wilderness area in order to protect the privacy of traditional cultural and religious activities in such areas by Indian people." As an alternative, the appropriate page number (p. 207) of the CDPA in the Appendix of the DEIS could be cited.

TIMB5

p. 51: **Future Planning Efforts.** Add: Co-Management Plan with the Timbisha Shoshone Tribe.

TIMB6

p. 60: **Noise and Overflights.** Overflight abuses have been occurring for decades. Specify the action which would be taken to minimize or eliminate adverse impacts to the public and wildlife.

Responses

TIMB3. This sentence was modified to reflect that the Wilderness Act provides for wilderness areas to be lands largely "untrammelled by man," where the land retains its "primeval character and influence, without permanent improvements or human habitation," but may contain features of scientific, educational, scenic, or historical value. Elements of modern human occupation and use are not appropriate in wilderness areas, unless they meet the Wilderness Act criteria.

TIMB4. Text modified as suggested and citation to appendix included.

TIMB5. The list of future planning efforts has been updated to include cooperative management programs with the Tribe.

TIMB6. The National Park Service is proposing to eliminate one of the airstrips and study a secondary airstrip in Saline Valley and convert the Stovepipe Wells airstrip from a paved to a dirt strip. This alternative, if selected, would probably reduce private aircraft numbers within the Park.

Also see response EPA3.

TIMB7. The Park will consult with the Timbisha Shoshone Tribe in its fire management planning efforts.

TIMB8. The extent of the tribe's involvement in fire management planning, development of an inventory and monitoring program, and resource management will be detailed in the cooperative management agreement being prepared by the Department of the Interior and the Tribe.

TIMB9. Text modified as suggested.

Comments

Responses

TIMB7	p. 66-67: Fire Management. The Timbisha Shoshone have traditionally used fire as a management tool in Death Valley and other areas of their traditional homelands. Fire was used to encourage the growth of native tobacco, to clear springs and marshy areas of dense growth, and to promote the growth of certain types of seeds. Consultation with the Timbisha Shoshone Tribe should be an important part of a Park Service Fire Management Plan.
TIMB8	p. 67: Inventorying and Monitoring. The Inventorying and Monitoring Program should be developed in consultation with the Timbisha Shoshone Tribe.
TIMB9	p. 68: Cultural Resources. In the paragraph beginning "The park's resource management plan..." specify consultation with the Timbisha Shoshone Tribe in addition to "Native American tribes having affiliation with lands in the national park. This addition would allow the "Cultural Resources" section to be consistent with the following "Native American Interests" section.
TIMB10	p. 90: Grazing/Range Management. Although grazing is legally mandated at current levels according to the CDPA (sec. 306), specifics regarding the current grazing management plan should be stated in the proposed action. Are cattle allowed in riparian areas of the Park? If so, what are the current impacts? What cultural resources or endangered species are potentially threatened by cattle grazing the Park? What federal laws (i.e., the Endangered Species Act) are potentially being violated due to legally mandated grazing in the Park? If grazing continues at current levels, what actions can be taken so that full compliance of all environmental laws would be enforced?
Alternatives--Alternative 3: Optional Management Approach	
TIMB11	p. 106: The Timbisha Shoshone Tribe agrees with the need for conducting a sensitive resource analysis. However, since it is stated in this DEIS/GMP that "any mining activity within the park would permanently damage the natural environment" (p. 188), why isn't the acquisition of all mineral rights within the Park actively pursued?
Affected Environment	
TIMB12	p. 133: Cultural Resources, Status of Archaeological Research: "At present, the National Park Service is undertaking a three-year systematic, parkwide archeological survey of at-risk areas under a cooperative agreement with the University of California, Riverside." The Timbisha Shoshone Tribe should be consulted for this project. Many of the Tribe's traditional cultural properties may be "at risk," but these areas may not be known as "at risk" sites by the Park Service.
Environmental Consequences--Alternative 1: Proposed Action	
TIMB13	p. 169: The impacts of grazing at legally mandated current levels need to be made explicit.
TIMB14	p. 169: The Timbisha Shoshone Tribe has traditionally used the Saline Valley hot springs for healing and medicinal purposes. The impacts of the construction of a parking lot are not addressed. In addition, this alternative does not address a plan for Native American access "to protect the privacy of traditional cultural and religious activities...by Indian people."

TIMB10. The grazing activity that the National Park Service inherited from the Bureau of Land Management has been ongoing for over 130 years and its continuation is allowed under the California Desert Protection Act. Presently all Park resources subject to grazing impacts, including riparian and cultural resources, are receiving the same protection as was provided by the Bureau of Land Management. Sensitive resources will be inventoried and protective measures provided in the proposed grazing management plan. Some changes to the proposed action have been made to clarify some of the considerations that the superintendent might evaluate if restrictions are made to current grazing levels.

TIMB11. Comment noted. Mining is an allowable activity in Death Valley under NPS regulations. While mining does damage the natural environment, approval of mining activities may still occur if done in accordance with the standards provided in NPS regulations (36 CFR 9A). If the disturbance does not meet the approval standards, then the activity must be denied. Restoration requirements can mitigate some adverse effects of mining activities. Acquisition of all mineral rights would need to be pursued with appropriated funds. Currently, only limited funds are available. Following approval of the *Land Protection Plan*, budget requests will be made to seek funding to begin the proposed acquisition program.

TIMB12. The Park focused "at-risk" emphasis of this particular study on areas of high Park visitor use where there were noticeable impacts on both historical and archeological features. We did not consult with the tribe on this project to determine if there were additional sites that they wanted us to look at, primarily because of lack of money and time to look at all "at-risk" areas. The tribe's suggestion will definitely be part of a National Park Service / Timbisha Shoshone memorandum of understanding regarding cooperative management of traditional cultural and natural resource areas.

Comments

Environmental Consequences--Alternative 3: Optional Management

TIMB15

p. 184: **Impacts on Cultural Resources:** In consultation with the Timbisha Shoshone tribe, an inventory of archaeological and ethnographic resources along the Eureka-Saline corridor should be conducted to determine if roadside camping adversely effects these resources

Environmental Consequences--Sustainable and Long-Term Management

TIMB16

p. 188: It is stated, "Ecosystems do not recognize political boundaries, this fact may require the National Park Service to act upon external influences that could influence elements within the political boundary." External influences which may adversely effect the Park should be stated, i.e., the current and proposed mining operations of the Briggs mining development in the Panamint Range, the proposed expansion of Fort Irwin, the proposed construction of a High Level Nuclear Waste Depository at Yucca Mountain, and proposed future uses of the Nevada Test Site, to name a few. Is the Biosphere Reserve concept included in such sustainable and long-term management plans?

Sincerely,

Bill Helmer

Bill Helmer
Tribal Historic Preservation Officer
Timbisha Shoshone Tribe

Responses

TIMB13. Currently, 1,105 animal unit months of grazing are authorized for the Hunter Mountain allotment. No authorized grazing is occurring on the other allotments. No state or federal endangered or threatened species are known to occur in the Hunter Mountain allotment. If cattle are significantly damaging resources they will be removed from that area. Other wetland areas within the Park have been protected from cattle. The Park Service is in full compliance with all environmental laws. Please see "Environmental Consequences, Alternative 2," for a discussion on impacts of cattle grazing.

TIMB14. Alternative 1 calls for the development of a site-specific plan for the Saline Valley that emphasizes protection of cultural and natural resources and environmental restoration. The bulleted list on page 76 of the 1998 draft are items that "may be included" within that plan. That plan will undergo public review and comply with all laws pertaining to natural and cultural resources and public involvement. Access for traditional cultural and religious activities by Indian people as provided for in Section 705 of the California Desert Protection Act could be considered during the site management plan development, or may be addressed on a case by case basis by the superintendent upon receipt of a request.

TIMB15. The Park would consult with the Timbisha Shoshone Tribe for assistance in determining these effects. Additional discussion of the cumulative impacts of external development activities was added to the alternative.

TIMB16. External influences are recognized in the draft plan under Relationship to Other Planning Efforts. The Biosphere Reserve is a designation that recognizes the value of the protection of desert resources. Such designation does not affect sustainable and long-term management plans. The Park is managed as a unit of the national park system under United States laws and NPS regulations and policies.

Comments

Responses

STATE OF CALIFORNIA - THE RESOURCES AGENCY

GRAY DAVIS, Governor

DEPARTMENT OF FISH AND GAME

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January 12, 1999

Superintendent
Death Valley National Park
Furnace Creek, CA 92328

Dear Superintendent:

The Department of Fish and Game (Department) has reviewed the document entitled "Draft General Management Plan/Environmental Impact Statement Death Valley National Park California and Nevada" (DEIS). The DEIS 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 (GMP) 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.

General comments:

The Department's comments pertain to those species found within the Park within the State of California.

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The goals of the Proposed Action, Alternative 1, are mostly appropriate and consistent with the CDPA. The purpose and need for the proposed action are expressed as the preparation of a General Management Plan for Death Valley National Park, within the constraints imposed by Congress in the CDPA and NPS policy.

CDFG1 However, the range of alternatives given is too narrow to meet the requirements of NEPA Regulations as outlined in 40 CFR 1502.14. The Department believes that additional actions to better enhance and protect fish, wildlife, and plant resources of the Park, and meet NPS policy and Congressional intent, should be included as alternatives.

CDFG2 The DEIS fails to identify the environmentally preferable alternative. 40 CFR 1505.2(b) states that the Record of Decision must specify the environmentally preferable alternative. In order for the public to adequately review and comment on the proposed project, the environmentally preferable alternative should be identified in the DEIS as well.

CDFG3 The description and analysis of the three alternatives do not offer sufficient detail to allow a complete comparison, and appear too weak to achieve their stated purpose. 40 CFR 1502.14 requires that all alternatives be rigorously explored and objectively evaluated, and that substantial treatment shall be devoted to each

CDFG4 alternative considered in detail. The Affected Environment and Environmental Consequences sections of the DEIS are weak and lack information and documentation for several conclusions drawn. Appendices should be included which substantiate any analysis (40 CFR 1502.18). The Environmental Consequences section of an EIS forms the scientific and analytic basis for comparison of alternatives (40 CFR 1502.16). The Environmental Consequences section of the subject DEIS does not contain scientific analysis sufficient for comparing alternatives.

The DEIS lacks information required for sufficient analysis. 40 CFR 1502.22 requires that if the information is essential to a reasoned choice among alternatives and the overall costs of obtaining it are not exorbitant, the agency shall include the information in the EIS or state that the information is unavailable and summarize existing credible scientific evidence which is relevant to evaluating the impact. 40 CFR 1502.24 also requires that agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in EISs. They shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement.

CDFG5 No mitigation measures are offered to offset any negative impacts associated with implementing the proposed plan. NEPA Regulations define five categories of mitigation (40 CFR 1508.20). Mitigation measures such as "Consult with...", "Conduct further studies...", "Prepare a plan to mitigate...", "Strive to protect the resource...", and "Monitor the problem..." are paper mitigation measures that do not solve environmental problems, and are considered inadequate under NEPA.

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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.

CDFG2. The Council on Environmental Quality (CEQ) and NPS guidelines on implementing NEPA suggest that the preferred alternative may be identified in the draft plan, but if the agency has no preferred alternative at that time it does not have to be identified. It has to be identified in the final plan. The draft plan did identify the agency proposed action, but that does not necessarily represent the preferred alternative. The council requires that the "environmentally" preferred alternative be identified in the record of decision.

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These comments also incorporate by reference our comments of June 22, 1988 and January 26, 1989, on the Draft and Final EIS, respectively, for the General Management Plan for Death Valley National Monument. The Department had significant concern at the time regarding the impacts of the 1989 GMP on the bighorn sheep populations within the Monument. Since the current Proposed Action is to expand the 1989 GMP policies onto the new Park lands, our concerns regarding bighorn sheep within the Park remain. Our concerns are repeated in our comments of October 5, 1988, on the DEIS for the Monuments Boundary Adjustment, which are also incorporated here by reference. These letters are attached for your information.

Specific comments:

CDFG6

Page 36, Regional Planning and Cooperation.

The Proposed Action should include compliance with the MOU signed between the NPS and the Department of Fish and Game regarding cooperation and coordination between our two agencies in relation to fish and wildlife issues. If the Proposed Action will not achieve compliance with this MOU, the DEIS should state how and why.

The Proposed Action should include, as a goal, compliance with the "Agreement on Biological Diversity", an MOU signed by NPS, Department of Fish and Game, and other state and federal agencies, on September 19, 1991. In this agreement, the signatory parties agree to make the maintenance and enhancement of biological diversity a preeminent goal in their protection and management policies. Similarly, if compliance with this goal is not going to be achieved as a result of implementing the Proposed Action, the DEIS should discuss why it cannot be achieved.

CDFG7

Page 37, Carrying Capacity.

The statement is made that the implementation of recommendations as called for in this plan will increase the level of protection for fragile or sensitive resources. This is unsubstantiated in the description of the Proposed Action. The only species identified for conservation in the Proposed Action are federally listed or proposed species. Even for these species the Proposed Action only states that the NPS "might limit access" to especially sensitive areas, and that active management programs "might be considered" for state listed species, California Species of Special Concern, and other sensitive species. These statements do not support the notion that the Proposed Action will increase the level of protection for fragile or sensitive resources.

CDFG8

Page 37, Desired Future Conditions.

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.

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CDFG3. See response to CDFG1.

We believe that the 50 pages of text in the draft plan devoted to describing the proposed action and the two alternatives is of sufficient detail to accomplish the stated planning objectives and address the range of issues for the management of the Park for the first tier planning document. Alternative 3 is brief because it is the same as Alternative 1 except for stated differences. The full text of Alternative 1 is not repeated.

NPS general management plans represent the first phase of tiered planning for parks and provide the overall management framework under which other detailed plans are developed. The NPS planning process involves several levels of planning that become increasingly more detailed and complementary by agreeing first on why the Park was established and what resource conditions and visitor experiences should exist there, and then by becoming increasingly focused on how those conditions should be achieved. Decisions about site-specific actions are deferred to implementation planning when more detailed site-specific analysis would be done.

CDFG4. We believe the level of detail in the "Affected Environment" and "Environmental Consequences" sections is commensurate with the broad-scale decisions of this plan. According to the regulations and NPS guidelines, the affected environment section of an environmental impact statement is intended only to give the reader a general understanding of the environment that may experience impact if the proposal or alternatives are implemented. This section is not intended to be a complete description of the environment of Death Valley. Data in this section should be commensurate with the importance of the impact. Data in the affected environment section is also supplemented, as directed by regulations, by appendix material and references. For instance, this plan includes lists of private lands, mining claims, water rights, and species of

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CDFG9	Page 47, Actions Considered For Alternatives But Rejected. The Department believes that additional alternatives which comply with the CDPA and NPS policies are available but which were not considered in the document. A resource protection alternative which emphasizes biological resources over visitor use, and which contains strong language and desired future conditions for those biological resources is one alternative which should be included.
CDFG10	An additional alternative which should be explored is one in which proposed mineral developments will not be allowed unless the development meets all of the regulatory approval standards. According to the description of the Proposed Action, if a proposed mineral development does not meet the regulatory approval standards and no alternative development scenario is feasible, the NPS will seek funding to initiate acquisition of the mineral rights. This treatment of mineral development is the same under the Proposed Action and Alternative 2. The treatment of mineral development under Alternative 3 seems to be the environmentally superior alternative, because areas of the Park with sensitive resources would be identified before mining operations are proposed, and acquisition of the mineral rights could take place prior to submittal of a proposed mineral development. This treatment of mineral development should be strengthened by not allowing any mineral development in those sensitive resource areas prior to acquisition unless the development meets the mission of the Park and all regulatory approval standards. This treatment of mineral development should then be included within the Proposed Action.
CDFG11	NEPA Regulations (40 CFR 1502.14) require that an EIS should include reasonable alternatives not within the jurisdiction of the lead agency. A potential conflict with local or federal law does not necessarily render an alternative unreasonable, although such conflicts must be considered. An alternative that is outside the scope of what Congress has approved or authorized may be evaluated in an EIS because the EIS may serve as the basis for modifying the Congressional approval in light of NEPA's goals and policies.
CDFG12	Page 56, Proposed Action, General Description. The description of the Proposed Action is incomplete and does not allow for adequate comparison between alternatives. This alternative seeks to extend existing Park management strategies and NPS mission and policies to the new Park lands. This document should summarize what those existing Park management strategies are. New data on biological resources within the Park have been gathered since the 1989 GMP; these data should have been used to update the plan rather than simply extend it to the new lands.
CDFG13	Page 61, Water Resources. As water in the desert is critical to the maintenance of natural resources, and often supports unique assemblages of species, the NPS should seek to protect, perpetuate, and restore wherever possible, surface water and groundwater as integral

special consideration in appendixes. It also references numerous other published sources and incorporates by reference a separate analysis of socioeconomic conditions.

Appendixes included are those that were deemed relevant to the analysis. There are also many references cited in the analysis. This is the normal process for an environmental impact statement.

The "Environmental Consequences" section is structured once again to build upon differences between the "Existing Management and Proposed Alternatives." The discussion in "Alternative 2" identifies the major effects of continuing existing management actions on primarily the new lands added to the Park in 1994. Continuing the preservation strategies and existing developments that have occurred for many years on the old monument lands were not considered major and have been addressed in previous planning and environmental compliance documents. Therefore, the discussion focuses on the major impact topics and builds from the existing management strategy by identifying differences between the proposed alternatives and no action. The "Environmental Consequences" section is also supported by a socioeconomic analysis done under contract and incorporated by reference.

CDFG5. NEPA regulations call for measures to mitigate adverse impacts, *if not adequately covered by the proposed action or alternatives* (40 CFR 1502.16(h)). The plan covers a legislative change in managing agencies for existing federal lands and their subsequent actions. The proposed action typically protects and enhances the resources over the existing management alternative. The proposed alternative is essentially mitigation for the existing management alternative. Many of the actions proposed would mitigate adverse impacts currently occurring.

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components of Park aquatic and terrestrial ecosystems. In addition, the NPS should include a commitment to inventory all water sources, identify the fish, wildlife, and plant resources associated with these water sources, monitor compliance with existing water rights, take actions to ensure compliance with existing water rights, acquire water rights when feasible, and collaborate with water rights holders to restore modified water sources to as natural a system as possible while still providing for valid existing uses. Wherever and whenever possible modified spring sources should be allowed to reoccupy their stream channel for at least 100 yards before being diverted. The priorities for such restoration should be based upon the presence of species assemblages in water sources which could benefit from such restoration.

CDFG14 Page 62, Floodplain and Wetland Areas.
The DEIS should state what type of mitigation measures will be implemented to minimize harm to floodplain and wetland values.

CDFG15 Page 62, Water Developments.
Consistent with the MOU between the NPS and the Department, our two agencies should jointly examine the use of and need for developed water sites by wildlife, and cooperatively develop a program for maintaining or dismantling any developed water sites. Similarly, a program to allow motorized access to maintain or replenish developed water sources should be jointly and cooperatively developed.

CDFG16 Page 64, Biological Environment, Sensitive Species.
Given the mission of the NPS and direction in the CDPA (Sec. 2. (1)) to: "(A) preserve unrivaled scenic, geologic, and wildlife values associated with these unique natural landscapes," "(B) perpetuate in their natural state significant and diverse ecosystems of the California desert," and (E) retain and enhance opportunities for scientific research in undisturbed ecosystems," 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. The sentence (emphasis added) "Controlling access to critical habitats or conducting active management programs might be considered that would be similar to activities conducted to perpetuate the natural distribution and abundance of federally listed species" should be modified to "Controlling access to critical habitats or conducting active management programs will be similar to activities conducted to perpetuate the natural distribution and abundance of federally listed species."

CDFG17 The DEIS should identify specific sites where other uses are degrading habitat for sensitive species and describe solutions to be implemented. For example, habitat for the Badwater snail at Badwater is being degraded by visitor use. This situation should be described, and a commitment made to protect snail habitat. If snail habitat will not be protected, the document should explain why it cannot be protected. Least Bell's Vireo (a federal endangered species) habitat has been destroyed at Scotty's Spring in order to upgrade the water supply for Scotty's Castle. The DEIS should

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CDFG6. We agree that a management objective should be included where suggested to address cooperative management of wildlife with other state and federal agencies. Such an objective has been added (see "Introduction/ Management Objectives" section).

We believe that the "Proposed Action" complies with the 1973 amendment to the Memorandum of Understanding between CDF&G and NPS and with the Biodiversity Agreement of 1991.

CDFG7. We disagree. The proposed action proposes to remove burros, manage grazing and mining, protect wilderness (95% of the Park) and protect sensitive species. Alternative 1's Biological Environment / Sensitive Species section elaborates on commitments being made to sensitive species protection at this general management planning level. The Park has worked actively for years to inventory and map species distribution and identify threats to sensitive species. Where threats are identified, the Park uses a variety of management actions to reduce or eliminate the threats. Probably the best example is the Devils Hole pupfish that the Park Service has been aggressively protecting from groundwater overpumping for nearly 30 years. The Park Service has a preservation mandate and both the agency and the Park have an excellent track record of protecting the resources.

CDFG8. Resource conditions are addressed as one element of the "Desired Future Conditions" in terms of the tolerance for resource degradation for each management area, such as wilderness and natural areas. We agree that sensitive habitats should be specifically highlighted and higher protection standards should be given. Desired future condition statements have been added to address this concern.

CDFG9. We believe the "Proposed Action" is a strong resource preservation approach. It does not propose to expand visitor use developments, but does provide protection for 95% of the

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describe this situation and describe mitigation measures to restore the habitat. If it cannot be restored, the DEIS should explain why it cannot be restored.

The DEIS should describe the existing biological resources program at the Park. Were there activities identified in the 1989 GMP that have never been implemented because of lack of funding, or other reasons? Does the Proposed Action commit to implementing those actions?

CDFG18

The DEIS is deficient in disclosing the activities proposed which will contribute to the recovery of listed species such as the desert tortoise. The DEIS should list the threats, predominant occurrences, effects, and studies needed, and list those actions specific to mitigating those threats. Threats could include: urbanization, disease, construction, OHVs, roads and highways, agriculture, utility corridors, fire, livestock grazing, landfills and transfer stations, subsidized predation, mineral development, non-OHV recreation, invasive weeds, garbage and litter, vandalism, handling and manipulation, drought, and commercial use. The NPS should bring together a Task Group of responsible agencies and tortoise specialists to devise specific management prescriptions. The actions proposed should include, but are not limited to, the following additional specific measures to eliminate or reduce threats.

- ☐ Encourage tortoise disease research within the Park relative to management.
- ☐ Educate the public about not releasing captive tortoises.
- ☐ Authorized tortoise handlers should use sterile techniques to avoid disease spreading.
- ☐ Increase ranger patrols to enforce tortoise protective measures.
- ☐ Work with user groups to establish education brochures and other tools.
- ☐ Any fire suppression activities should include protective measures for tortoises such as 1) a mix of aerial attack with fire retardant, hand tools for firebreak and attack engines limited to public roads and designated open routes, 2) use of earth moving equipment or vehicle travel off public roads and designated open routes would only be allowed where needed to protect life and property, 3) post suppression mitigation includes rehabilitation of firebreaks and other ground disturbances, 4) fire crews unfamiliar with tortoise protection should receive appropriate education.
- ☐ Allotment Management Plans should be designed to minimize adverse impacts to tortoises. Forage allocations/utilization should be based upon best available scientific information to provide adequate residual forage for tortoises. Adequate monitoring is required to ensure compliance with grazing strategies in

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park in a wilderness setting, proposes to remove exotic species such as the burro, proposes to manage grazing and management situation for mineral management, which is mining, and proposes to protect sensitive species.

The proposed action and "Alternative 3" build on the existing management. All three alternatives provide that mineral development activities would only be allowed when they meet the approval standards of NPS regulations at 36 CFR 9A. Sensitive resources would be evaluated whenever a proposed mineral development activity is proposed. "Alternative 3" differs in that it proposes a parkwide sensitive resource analysis in an effort to identify areas of the Park where mining may be incompatible. That approach relies on potential development scenarios though, rather than actual proposals. Regardless of the approach, if the proposed mineral operations could not be mitigated to meet NPS approval standards, the proposed plan would be denied. Acquisition funding would be sought if no feasible alternative mineral development schemes were available.

CDFG11. See response to CDFG1.

We do not believe that creating alternatives for the management of Death Valley that conflict with legislative direction for the Park is consistent with our objective of creating a management plan for the area. If we were to evaluate such an alternative and ultimately select that approach as the desired management, we would be creating a management plan that could not be implemented unless Congress agreed with the change and decided to pass legislation to authorize it.

CDFG12. See response to comment CDFG3.

We feel that the alternatives descriptions are adequate and comparisons can be made among the various alternatives. As stated in response CDFG3, the level of detail provided is

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- the AMPs. The herding of cattle should be minimized, and cattle allowed to disperse throughout the area of use.
- ☐ A raven eradication program should be implemented targeting ravens which are preying upon tortoises in specific areas.
 - ☐ Investigate and eliminate other anthropogenic sources of raven food.
 - ☐ Ensure that refuse containers in residential areas have self-closing lids.
 - ☐ Mineral developments within tortoise habitat should be closely reviewed for potential acquisition (CDPA Sec. 509).
 - ☐ Restoration of mineral developments should strive to reclaim appropriate lands to constitute tortoise habitat as a goal.
 - ☐ Upland game guzzlers in tortoise habitat should be modified to prevent/reduce future tortoise mortality.
 - ☐ Where camping is allowed within tortoise habitat, camping should be allowed only within 100 feet of a designated route.
 - ☐ Invasive weeds such as red-stemmed filaree, rancher's fiddleneck, and several mustard species should not be introduced within tortoise habitat in highway, or other, landscape design.
 - ☐ Create and/or enforce ordinances against illegal dumping.
 - ☐ Implement programs to clean up existing dumps on private and public lands.
 - ☐ Efficient litter removal from various recreation sites and problem areas.
 - ☐ Cross country vehicle travel in tortoise habitat will not be allowed for commercial activities.
 - ☐ Commercial activities that result in ground disturbance or adverse effects would not be allowed in tortoise habitat.
 - ☐ Increase enforcement patrols to discourage purposeful killing or maiming and illegal collection of tortoises. Identify problem areas and determine solutions. Public education should emphasize that tortoises are not to be handled or harmed.
 - ☐ Determine alternatives for disposition of tortoises that have been handled or

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appropriate for an NPS general management plan, which is the first phase of tiered planning. Many other implementation plans identified on page 51 of the 1998 draft plan are in place (some may need updating) or will be prepared to delineate the specific actions needed to carry out the broad management goals of the management plan. New data on resources is constantly being gathered and considered in Park management actions.

CDFG13. The plan clearly states that water and its protection is an important issue. The Death Valley National Park staff will continue its ongoing work to inventory water features and associated biotic resources and will continue developing plans for their protection and restoration (if needed). The 1998 draft plan states on page 67 that inventory and monitoring of the Park's natural resources is important and a comprehensive strategy would be developed through the Park's *Resource Management Plan*.

The text was modified in regards to non-NPS water right holders restoring modified water sources to natural conditions while still allowing for valid existing uses.

The Department of Energy is conducting a water audit parkwide.

The last statement on page 61 of the 1998 draft plan provides for the purchase of water rights. In addition, the discussion on page 84 indicates that the Park Service would seek funding to acquire the majority of private lands and interests based on priorities in the Land Protection Plan (appendix B).

CDFG14. As stated in the draft plan, occupancy and modification of floodplains and wetlands would be avoided wherever possible. If no practicable alternatives exist, mitigation would be implemented. Since the activity that might create this potential situation is unknown at this time, specific mitigation measures cannot be predicted. However, an existing example

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released into the wild. Educate the public regarding risks associated with handling or relocating tortoises.

- ☐ Biological monitors will handle tortoises per "Guidelines for Handling Tortoises During Construction Projects, 1996.
- ☐ Obtain both federal and state permits which are required prior to scientific or other manipulation of tortoises.
- ☐ Tortoises found during drought conditions or summer should be excavated just before sunset and moved to a burrow at night.
- ☐ Timing of scientific studies may need to be modified due to persisting drought conditions.
- ☐ Allotment Management Plans should consider drought conditions in forage allocation to ensure adequate forage production for tortoises.

Page 64, Biological Environment, Sensitive Species, Appendix C, Species of Special Consideration.

This table should be expanded to include the types of habitats the species are found in, threats, actions to minimize threats, and occurrences. The spotted bat, Euderma maculatum, should also be included in the table as it has been recorded in the Park. Other bat species which should be included are Western mastiff bat, Eumops perotis; big and pocketed free-tailed bats, Nyctinomops macrotis and femorosaccus, and fringed myotis, Myotis thysanodes. The California leaf-nosed bat, Macrotus californicus, should be listed as Potential, because it has been documented very close to the southern boundary of the Park. Another bat species which has been identified by the Western Bat Working Group as being threatened is the western red bat, Lasiurus blossevillei; this species should also be included in the table.

Page 66, Disturbed Land Restoration.

This section should be strengthened to state that abandoned mine sites will not be closed unless they are first surveyed for bats and other wildlife by a qualified biologist. If a maternity roost or hibernaculum is found within the mine, the mine will be gated to allow the bats to enter and exit, while precluding human entrance of the mine. The work should be accomplished during the appropriate time of year so as not to disturb the bats. If it is structurally impossible to install a gate, and the mine entrance must be sealed, alternate bat roosting sites should be located and protected.

Page 67, Inventorying and Monitoring.

The DEIS is deficient in describing programs regarding inventory and monitoring. The DEIS contains no commitment to performing necessary inventorying or monitoring. It only commits to consulting with people with expertise, and to develop a

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might be the Salt Creek boardwalk that was constructed to prevent visitor use from destroying wetland habitat. Another example might be restoring native species to riparian areas to replace exotic tamarisk following its removal.

CDFG15. The Park would welcome the assistance and expertise of the Department Fish and Game in examining the use, maintenance, or removal of developed water sites. Motorized access to sites in wilderness would be considered extraordinary and would not be routinely allowed unless unusual circumstances warranted it. These instances would be considered on a case-by-case basis consistent with the Wilderness Act, and nothing in the California Desert Protection Act provides any additional authority. In fact, each water development in wilderness would have to be examined in light of the restrictions in the Wilderness Act on structures and installations.

CDFG16. This is our mission and it is stated as such in the plan. The section on page 64 of the 1998 draft plan is specific to sensitive species.

Protection of all resources is inherent in our regulations and in our daily management activities. Threats to Park resources are routinely identified, management solutions proposed and funding sought. Most of our staff activities are directed at resource preservation, whether it's maintenance, law enforcement, resource management, or interpretation. All of these activities are directed at identifying threats and taking corrective action. Your wording suggestion has been incorporated.

CDFG17. Park management activities that undergo the NEPA planning process do evaluate potential impacts that park management activities have on sensitive species. Through NEPA, strategies for reducing management-related impacts are proposed and evaluated. Impacts are periodically evaluated in resource management plan updates, and restoration activities

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strategy to ensure that regional, local, or national trends are documented and appropriate actions taken. Inventory and monitoring are two extremely important components of any management plan and deserve to be treated separately.

CDFG22

The DEIS is deficient in adequately describing the fish, wildlife, and plant resources present within Park boundaries. In particular, information is not presented regarding the range of aquatic species present within aquatic habitats within the Park, and there is no general description of reptile and amphibian species present nor any distributional information. The document contains only information pertaining to sensitive species. Furthermore, there is no specific description of desert tortoise distribution within the Park. Although it is the intention of the NPS to manage for multiple species and protect habitats for all native species, there are still ongoing activities (grazing, mining, water diversions, fire management, rights of way, visitor services, etc.) which can adversely impact habitats for native species. The DEIS should disclose the species present, their distribution, and status if known. Where information is lacking the commitment to an inventory program should be made, including a time frame and funding requirements. Without this baseline inventory information it will not be possible to properly prioritize land acquisition activities, and manage grazing and other uses without potential detriment to native species.

Park planning should be a dynamic process that does not end with the publication of the GMP. Monitoring and evaluation activities provide information to help determine whether or not programs are meeting the Plan's objectives. It is through this process that corrections and adjustments are made in management activities, the degree of implementation is assessed, and the need for change is determined. In the evaluation stage, monitoring information should be compared with Plan requirements. Differences are a justification for Plan amendments. Monitoring processes should be described for soil productivity, water quality, range utilization, listed species, etc. A monitoring evaluation process should also be disclosed which describes how monitoring information will be compared to Plan requirements, and alternatives for rectifying differences.

CDFG23

The monitoring section should also include a description of how management activities will be monitored. This should include the following as a minimum: 1) activity to be measured, 2) monitoring objective, 3) monitoring technique, 4) expected precision and validity, 5) frequency and reporting period, 6) variation from Plan objectives which will trigger further action, and 7) annual cost. Currently, neither inventory nor monitoring are included in operational costs for Plan implementation.

CDFG24

Page 90, Grazing/Range Management.

This section does not adequately describe how the NPS will manage livestock grazing without adverse impacts to fish, wildlife, and plant resources. The NPS must identify specific resource protection goals which are in compliance with the NPS Organic Act, which stresses protection of natural resources. Developing effective

Responses

by Park staff members are implemented as money and priority setting allows. Evaluation of restoration techniques would also be subject to NEPA review processes.

CDFG18. Tables C-3 and C-4 in appendix C of the plan do identify some known threats to sensitive species. For listed species with habitat in the Park, specific actions are being pursued. A conservation plan for the Eureka Dunes area is being prepared in consultation with the U.S. Fish and Wildlife Service that will provide proper management and protections for the sensitive plants in that area. Park staff has actively pursued numerous actions for years to protect the Devils Hole pupfish, including regular fish counts and monitoring of water. The area is fenced and closed to public access. The Park actively seeks to protect the endangered fish from groundwater drawdowns.

Regarding the desert tortoise, no critical habitat is designated within Death Valley National Park. Historical sightings have been rare. In 1998 the Park conducted surveys for desert tortoise and discovered only limited potential parkwide. In Greenwater Valley, suitable habitat was found to occur and some historic use was indicated. These surveys did not discover any animals or signs of recent tortoise activities. Human activities in Greenwater Valley area are very light and road access is very limited. The entire area outside of the limited dirt road access is designated wilderness. If and when additional information of desert tortoise's presence within the Park are found by Park staff or others and it is found that additional protection is warranted, appropriate actions would be taken. Grazing does not occur within desert tortoise habitat in Death Valley National Park.

CDFG19. Habitat was included for listed species, but not all sensitive species. This type of detail should appear in implementation plans rather than the general management plan.

The species table has been updated to reflect the data

Comments

Superintendent
Death Valley National Park
January 12, 1999
Page Ten

grazing regulations is essential for the restoration of Park ecosystems. The Park superintendent should not merely copy the existing BLM methods and standards, including grazing fees. The contents of the proposed grazing management plans should disclose sufficient information to allow the evaluation of the effects of the proposed management on the affected environment, including listed and sensitive species. The DEIS should state that grazing management plans will be used as instruments to guide the avoidance of unacceptable damage to soil, water quality, vegetation, and sensitive species. These plans should be amended, if required, to include adopted means of resolution and needed mitigation measures. If mitigation is unsuccessful in preventing unacceptable resource damage, the plan should state that livestock grazing will be reduced within problem areas. This section should contain, at minimum, the following standards and guidelines which describe management objectives, and measures which mitigate grazing impacts.

- ☐ The NPS should carefully evaluate the appropriateness of grazing in the Last Chance Allotment and take all legal measures to reduce or eliminate adverse impacts to wildlife and plant resources resulting from grazing activities.
- ☐ Assess impacts on riparian and other sensitive areas within permit boundaries during grazing permit re-evaluations. Require structural and/or non-structural measures to correct deterioration of riparian-dependent or other sensitive resources.
- ☐ Graze areas only when "range ready".
- ☐ Conduct annual and perennial forage monitoring.
- ☐ Conduct annual utilization checks in key wildlife habitats in grazing areas.
- ☐ Achieve or maintain rangeland in "satisfactory" condition.
- ☐ Grazing Management Plans will display use, improvement, maintenance, and other management data.
- ☐ Use criteria will be established and documented for each unit of each grazing allotment. These criteria will be developed using long-term trend studies and identified limiting factors, and will define permissible grazing levels.
- ☐ The condition of soil and vegetation must be maintained or improved. If they are in satisfactory condition, then they must be maintained in that condition. If they are in a less than satisfactory condition, then allowance must be made for improvement in condition.
- ☐ Locate salt at least one-quarter mile away from riparian or other sensitive areas.

Responses

provided. However, Park staff do not currently have documentation that indicates that spotted bats, western mastiff bats, or free tailed bats are present in the Park.

CDFG20. Environmental assessments would be conducted prior to mine closures. These assessments would include biological surveys and mitigation recommendations.

CDFG21. The National Park Service recognizes, as stated on page 67 of the 1998 draft plan, the importance of an inventorying and monitoring program. 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 will be available in 2000 or 2001, and all NPS units would be allowed to submit proposals requesting funding.

CDFG22. See response to comment CDFG4. The purpose of the "Affected Environment" section is to describe those features that will be affected by the proposed action. We feel we have adequately described those features.

CDFG23. Comment noted.

CDFG24. The National Park Service inherited grazing as an existing federal activity and the California Desert Protection Act specifically allows grazing to continue at no more than the 1994 level. The same protections that were required by the state and federal governments will be provided under NPS management. The proposed action calls for the National Park Service to develop a grazing management plan that will, at minimum, follow existing federal and state guidelines (e.g. Clean Water, Cultural Resource Protection, and Endangered Species Laws) and the need for additional protections to be provided to the Park's natural and cultural resources in compliance with NPS policies and regulations.

Comments

Superintendent
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Page Eleven

- ☐ Current desert BLM management regarding above ground forage biomass requires termination of grazing when forage biomass falls below 350 lbs/acre. The NPS should conduct a thorough literature search regarding grazing impacts on desert tortoises, and promote and support research, if required, to determine desirable forage utilization standards which are not detrimental to tortoise recovery in those areas in which conflicts between grazing and tortoises could occur.

CDFG25

Page 91, Plan Implementation.

This section does not fully disclose, or identify the levels of funding associated with measures to protect, preserve, or enhance fish, wildlife or plant resources or their habitats. The table should disclose the specific costs of actions to protect resources. The various projects to be implemented with the \$604,000 allocated for site improvements to protect resources should be itemized. Given the direction of the NPS to protect and preserve natural resources, the fact that only burro removal and site improvements totaling \$1,054,000 are proposed for that purpose versus the total proposed cost of \$28,826,000, gives the impression that protection and preservation are not the highest priorities.

This section provides no funding for inventorying or monitoring. Inventory should, at least initially, receive significant funding. Monitoring should require significant annual funding throughout the life of the Plan, and should include sufficient resources to conduct sufficient annual grazing monitoring to document livestock use, range condition, trend analyses, and impacts to sensitive resources.

CDFG26

Page 115, Affected Environment, Guzzlers.

Guzzlers are not only installed to provide water for hunted species. Many bighorn sheep guzzlers have been installed in areas where bighorn sheep are not hunted. Guzzlers have been installed to provide water in areas where the natural water source has been altered by humans so that it is no longer available to wildlife. This section implies that Death Valley's bighorn sheep population has expanded beyond the area's carrying capacity. In fact, bighorn sheep numbers in Death Valley have dropped dramatically (Douglas, 1985, 1986). The statement that a review of guzzler use by Park staff concluded that two of the big game guzzlers received little or no use should be substantiated.

CDFG27

Page 118, Affected Environment, Vegetation and Wildlife.

The DEIS does not mention the threat of brown-headed cowbirds to riparian-dependent bird species within the Park. This issue should be discussed.

CDFG28

Page 119, Animals, Aquatics.

This section should be modified to reflect the fact that much is known about the effects of these aquatic exotic species on native fauna. The aquatic exotic species listed have all been documented to result in adverse impacts to native aquatic fauna.

Responses

CDFG25. Funding for resource management issues is usually allocated on a yearly basis through internal Park programs. Sometimes requests are made for financial assistance from Congress via line item appropriations. Other than the Park's base budget it presently has no funding identified for inventorying and monitoring activities. There is a large probability that all NPS units will receive substantial infusions of money for inventory and monitoring activities beginning in the year 2000. Park staff hope these allocations are forthcoming, and will move aggressively forward with enhanced inventory activities as the funding becomes available. The NPS and Death Valley mission statements on page 29 of the 1998 draft plan clearly state that resource protection is the National Park Service's highest priority.

CDFG26. We agree that guzzlers may be necessary where they have been installed to replace water no longer available to wildlife due to human intervention. We have requested that CDF&G provide us with data indicating that such is the case in Death Valley. Where guzzlers have been installed to artificially increase wildlife populations where water was not present are the areas where the Park Service is proposing to examine for the guzzlers' appropriateness.

The report citing and substantiating NPS conclusions have been included in the "References" section.

CDFG27. Death Valley National Park does not have a cowbird control program but resources staff do recognize that cowbird parasitism affects nesting success of neotropical bird species. Implementation of a cowbird control program at the present time would be premature until adequate surveys are done to identify areas where susceptible host species are present and where cowbird parasitism is problematic.

CDFG28. Text has been changed to reflect your comment.

Comments

Superintendent
Death Valley National Park
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Page Twelve

Wherever and whenever possible these exotics should either be controlled to a level which eliminates their adverse impacts, or they should be extirpated altogether from Park habitats.

CDFG29 Page 123, Species and Habitats of Special Consideration.
This section is lacking in basic information. It should be expanded to include a discussion of bighorn sheep distribution, abundance, trend, and habitat. A discussion should be included regarding the importance of abandoned mines as habitat for several bat Species of Special Concern such as Townsend's big-eared bat, pallid bat, California leaf-nosed bat, and fringed myotis. Population distribution and abundance for these species should also be discussed. The discussion of riparian-dependent bird species should be expanded to include the 14 priority riparian-dependent species identified by Partners in Flight, including black-headed grosbeak, blue grosbeak, common yellowthroat, song sparrow, Swainson's thrush, warbling vireo, Wilson's warbler, yellow-breasted chat, and yellow warbler.

CDFG30 Page 129, Species Restoration.
The DEIS should identify those species being considered for restoration.

CDFG31 Page 165, Grazing.
This section does not fully disclose the impacts of grazing on the affected environment. The discussion should include current utilization standards, compliance monitoring, results of those utilization standards, range condition and trend information, and disclosure of violations of current allotment plan conditions, if any.

CDFG32 Page 169, Environmental Consequences, Proposed Action.
This section does not adequately disclose the environmental consequences of the Proposed Action. It should be greatly expanded to include, at a minimum, the topics constituting the Proposed Action such as air quality, viewsheds, water resources, sensitive species, introduced species etc. and characterize the likely impacts of the proposed actions on these Park resources.

CDFG33 The statement that as natural water sources are restored, wildlife populations would adjust to more natural conditions should be substantiated. Are wildlife numbers expected to increase or decrease? On what data is this assumption based? At what level are wildlife populations now?

CDFG34 This section should include a discussion of the effects of increasing visitor use on water resources in the Park and the resulting impacts to wildlife populations. Increased visitor use also has an effect on wildlife through increased traffic, increased encroachment into sensitive habitats, additional paved roads, etc. These impacts should all be discussed here.

Responses

CDFG29. Additional information has been included in the plan.

CDFG30. No species are being considered for restoration at this time. This section has been eliminated from the plan.

CDFG31. Grazing impacts are identified in the "Environmental Consequences" section.

Grazing impacts are reduced from the level when Death Valley National Park inherited grazing as an existing federal activity from the Bureau of Land Management. Only one of the four allotments identified within the draft plan is presently authorized for grazing. The small acres within Death Valley National Park of the Eureka Valley and the Lacey-Cactus-McCloud allotments have been retired with no reduction to the ranchers' use-levels on the adjoining BLM allotments. Nevada BLM has suspended the grazing privilege for the Last Chance allotment and Death Valley has done the same. Death Valley has no immediate plans to reissue the Last Chance grazing permit at this time. This is a reduction of 2,249 animal unit months.

Protection and enhancement of natural and cultural resources on the Hunter Mountain allotment remains a goal of the grazing management plan.

CDFG32. The impacts to air quality, viewsheds, water resources, sensitive species, introduced species, etc are identified in the "Environmental Consequences" section where an impact is anticipated. Other than the impacts indicated in the "Environmental Consequences" section, there are no impacts to the resources that you have listed.

Also see response to comment CDFG4.

CDFG33. The "Environmental Consequences" section has been expanded in response to your comment.

Comments

Superintendent
Death Valley National Park
January 12, 1999
Page Thirteen

CDFG35

Impacts to sensitive bat populations as a result of allowing mining operations on valid existing claims should be discussed. Under current mining regulations, impacts to wildlife populations are allowed. The Proposed Action does not include any changes in existing mining regulations. Therefore, impacts to wildlife populations could occur as a result of future mining operations. These impacts should be disclosed in this DEIS. Impacts of restoring abandoned mine lands should also be discussed. The Proposed Action does not include language to protect existing bat maternity roosts and hibernating sites, only to consider them in decisions. The impacts of "considering" could result in impacts to bat populations. These impacts should be discussed here.

Impacts to sensitive resources as a result of implementing the Proposed Action could be significant. The Proposed Action does not commit to implementing protective actions for fish, wildlife and plant resources, only that access "might be limited" and management actions "might be taken". The impacts resulting from this type of management, such as those discussed for the Badwater snail and Least Bell's vireo examples given above, should be discussed in this section.

The impact analysis discussed above should be included for all the alternatives in the document.

CDFG36

Page 230, Saline Valley.

One of the parcels near Hunter Canyon is owned by the Department and is managed as an Ecological Reserve. An MOA between the Department and NPS addressing the management of this and adjacent lands could improve the overall management of these lands.

CDFG37

Table C-3, (not paginated), Amphibians, Black Toad.

The black toad has been documented from an artesian spring habitat within Saline Valley within the Park. Actions to protect and enhance this California threatened species should be addressed.

In conclusion, the Department does not believe the GMP provides adequate protection for biological resources as called for in NPS policies, the CDPA, and other guidelines, agreements, etc. The Department also does not believe the DEIS is adequate under NEPA for all the reasons given above. We believe the Plan and accompanying DEIS should be rewritten and recirculated for public review. Department staff is available to meet and discuss our concerns and cooperate in the development of a plan that provides for the conservation of the unique biological resources of Death Valley National Park.

Responses

CDFG34. The "Environmental Consequences" section has been expanded in response to your comment.

CDFG35. Any new mining activity on a valid existing claim must include a plan of operation (36 CFR Part 9.9). Within that plan will be a discussion on potential impact to Park resources, including bat populations.

CDFG36. Comment noted.

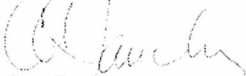
CDFG37. Comment noted. The black toad has been added to table C-3.

Comments

Superintendent
Death Valley National Park
January 12, 1999
Page Fourteen

We appreciate the opportunity to comment on this DEIS. If you have any questions, please call Mr. Alan Pickard, Senior Biologist/Supervisor, Habitat Conservation Program, at 407 W. Line Street, Bishop, CA 93514, telephone (760) 872-1126.

Sincerely,



Curt Taucher
Regional Manager

Attachments

cc: Mr. Ray Bransfield, USFWS Ventura
Mr. A. Pickard, Bishop

Responses

Comments

BOB MILLER
Governor

STATE OF NEVADA

JOHN P. COMEAUX
Director



DEPARTMENT OF ADMINISTRATION

Capitol Complex
Carson City, Nevada 89710
Fax (702) 687-3983
(702) 687-4065



October 19, 1998

Superintendent
Death Valley National Park
Furnace Creek, CA 92328

Re: SAINV # F1999-024

Project: Notice of GMP & DEIS for Death Valley National Park and Mohave National Preserve

Dear Superintendent:

Enclosed are the comments from the Nevada State Historic Preservation office, and the Divisions of State Lands, Water Resources and Conservation Districts 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 687-6367.

Sincerely,

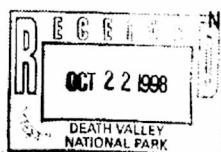
A handwritten signature in cursive script that reads "Heather K. Elliott".

Heather K. Elliott
Nevada State Clearinghouse/SPOC

Enclosures

Responses

Comments



NEVADA STATE CLEARINGHOUSE

Department of Administration
Budget and Planning Division
209 East Musser Street, Room 200
Carson City, Nevada 89701-4298
(702) 687-4065
fax (702) 687-3983

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State Historic
Preservation Office

August 20, 1998

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Health Division
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Colorado River Commission

Legislative Counsel Bureau
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PJC
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UNR Bureau of Mines
UNR Library
UNLV Library
Historic Preservation
Emergency Management
Washington Office
Nevada Assoc. of Counties

Conservation-Natural Resources
Director's Office
State Lands
Environmental Protection
Forestry
Wildlife
Region 1
Region 2
Region 3
Conservation Districts
State Parks
Water Resources
Water Planning
Natural Heritage
Wild Horse Commission

Nevada SAI # E1999-024

Project: Notice of GMP & DEIS for Death Valley National Park and Mohave National Preserve

NOTE: These documents are available through the Internet, so the Clearinghouse is distributing only the informational letters. If you are unable to access the documents, please let me know.

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

CLEARINGHOUSE NOTES

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 area-wide 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 **October 15, 1998**. 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, 687-8367.

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:

Rebecca Palm
Signature

Historic Preservation 10/12/98
Agency Date

Responses

NVSI. Comment noted.

Comments

NEVADA STATE CLEARINGHOUSE
 Department of Administration
 Budget and Planning Division
 209 East Musser Street., Room 200
 Carson City, Nevada 89701-4298
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UCI 42 1998
 DEATH VALLEY NATIONAL PARK

DATE: August 20, 1998

Governor's Office	Legislative Counsel Bureau	Conservation/Natural Resources
Agency for Nuclear Projects	Information Technology	Director's Office
Business & Industry	Emp. Training & Rehab Research Div.	State Lands
Agriculture	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	Washington Office	State Parks
Health Division	Nevada Assoc. of Counties	Water Resources
Indian Commission		Water Planning
Colorado River Commission		Natural Heritage
		Wild Horse Commission

Nevada SAI # E1999-024

Project: Notice of GMP & DEIS for Death Valley National Park and Mohave National Preserve

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

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Please submit your comments no later than **October 15, 1998**. 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, 687-5367

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:

I viewed the document on the Internet. Under Natural Resources it talks about the water rights in the California portion of the Park. It doesn't discuss any water rights in Nevada. All new appropriations must be done pursuant to NVS chapters 533 & 534.

Signature

Agency

Date

Responses

NVS2. Case law has established the doctrine of federal reserved water rights. The U.S. Supreme Court has found that when the government reserves land for specific purposes, it also expressly or impliedly reserves an amount of water necessary for the purpose of the reservation. Cases specifically related to federal reserved rights for National Park units are *Cappaert v. United States*¹ and *Arizona v. California*². Because reserved rights are an application of Federal law, they may only be determined, i.e. quantified, as a result of a general adjudication according to the McCarran Amendment³ or by court action initiated by the United States.

Beginning in 1933, lands were reserved in Death Valley by the Congress and Executive Order. In addition to the reservation of federal lands for purposes of the California Desert Protection Act, lands were reserved in 1933 by Presidential Proclamation (Proc. 2028, 47 Stat. 2554) for creation of Death Valley National Monument for "the preservation of the unusual features of scenic, scientific, and educational interest therein contained." The monument's boundaries were expanded in 1937 to add areas of historic and scientific interest. In 1952, Devils Hole was added to Death Valley National Monument because "the said pool...is unusual among caverns...and...in this pool...a peculiar race of desert fish...which is found nowhere else in the world, evolved only after the gradual drying of the Death Valley Lake System isolated this fish population from the original ancestral stock that in Pleistocene times was common to the entire region" (Proc. 2961, 66 Stat. C. 18, 17 Fed. Reg. 691).

Consistent with case law, the National Park Service considers these actions to have created reserved water rights for Death Valley National Park. These rights are for water, unappropriated at the time of the reservation, for the purposes for which lands within Death Valley were reserved and to the extent needed to accomplish the purpose of the reservation. The priority dates for these reserved rights are the dates of the reservations and are superior to the rights of later appropriators.

Comments

NEVADA STATE CLEARINGHOUSE
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Nevada Assoc. of Counties

Nevada SAI # E1999-024

Project: Notice of GMP & DEIS for Death Valley National Park and Mohave National Preserve

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

CLEARINGHOUSE NOTES

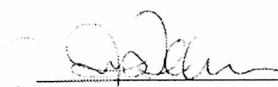
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Please submit your comments no later than **October 15, 1998**. Use the space below for short comments. If significant comments are provided, please use agency letterhead and include the Nevada SAI number and comment due date for our reference. Questions? Heather Elliott 687-5367

THIS SECTION TO BE COMPLETED BY REVIEW AGENCY:

☒ No comment on this project ☐ AT THIS TIME ☐ Conference desired (See below)
☐ Proposal supported as written ☐ Conditional support (See below)
☐ Additional information below ☐ Disapproval (Explain below)

AGENCY COMMENTS:

Signature 
s. shoulder clear clear.doc

STATE LANDS
Agency

10/15/98
Date

Responses

At Devils Hole, a detached unit of Death Valley, a decision by the U.S. Supreme Court in *Cappaert v. United States* determined that a federal reserved water right exists for the purpose of maintaining a water level sufficient to inundate the rock shelf on which the endangered Devils Hole pupfish spawn. In addition to Devils Hole, Death Valley National Monument was created to preserve unusual features of scenic, scientific, and educational interest. Springs and water-related resources are important features of the Park.

Quantification of these other rights can only be accomplished through adjudication. If the United States is joined in an adjudication in California or Nevada, the Park Service will assert federal reserved rights for Death Valley, including rights for wilderness purposes.

Congress reserved a federal water right for designated wilderness areas in sec. 706 of the California Desert Protection Act sufficient to fulfill the purposes of the act.

¹ *Cappaert v. United States*, (1976); 426 U.S. 128.

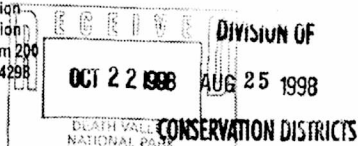
² 373 U.S. 546 (1963)

³ 66 Stat. 560, 43 U.S.C. 666.

Comments

NEVADA STATE CLEARINGHOUSE

Department of Administration
Budget and Planning Division
209 East Musser Street., Room 200
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FILE: August 20, 1998

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Nevada SAI # E1999-024

Project: Notice of GMP & DEIS for Death Valley National Park and Mohave National Preserve

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

CLEARINGHOUSE NOTES:

Send 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 **October 15, 1998**. 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, 687-6367.

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:

Recommend a hard copy of the GMP & DEIS for Death Valley National Park and Mohave National Preserve be made available at the NV State Library.

[Signature]
Signature

[Signature]
Agency

[Signature]
Date

Responses

NVS3. Documents have been sent to the Nevada State Library.

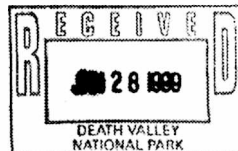
Comments



January 15, 1999

NYE COUNTY
DEPARTMENT OF NATURAL RESOURCES & FEDERAL FACILITIES

1210 E. Basin Rd. Ste. #6 • Pahrump, Nevada 89048
(702) 727-7727 • Fax (702) 727-7919



Transmitted via Facsimile to
(760) 255-8809
Attention: Dennis Schramm

Mr. Dick Martin, Superintendent
Death Valley National Park
Furnace Creek, California 92328

Nye County Comments on the General Management Plan and Draft Environmental Impact Statement (DEIS) for Death Valley National Park, California and Nevada

Dear Mr. Martin:

Nye County appreciates the opportunity to review and comment on the subject DEIS. As discussed with you and several of your staff at the December 12, 1998, meeting at our Pahrump office, Nye County has several concerns with the scope and content of the DEIS. Our concerns stem from the Park Service's general viewpoint that the effects of Park Service actions and policies do not extend beyond the Park Service lands. Such a viewpoint has resulted in a failure to include several analyses in the DEIS that are required by the implementing regulations of the National Environmental Policy Act (NEPA).

NDNR1

Our comments are presented in three parts. First, the comments made and discussed at length at the December 12 meeting, are presented in the body of this letter. These comments represent our major concerns about the adequacy of the DEIS, and we expect that final EIS will address these deficiencies. The second part of our comment package identifies the specific impacts to Nye County that have occurred and continue to occur, as a result of National Park Service actions and policies. These impacts are well documented, support the comments made in this letter, and must be included in the appropriate sections of the Final EIS. The third section is a cumulative impact analysis, conducted in accordance with Department of Interior guidance, specifically, that of the Bureau of Land Management. Nye County notes that its technical staff has adhered to the strictest technical standards in its preparation of this review.

Nye County hopes to continue its interactions with you and the Death Valley National Park staff, especially with respect to water resources. In this regard we recognize that our perspective might not, and in fact most likely is not, in agreement with the federal or even state perspectives. We believe however, that the context in which our analysis is offered is valid, and warrants equal consideration pursuant to the provisions of 40 CFR 1508.27(a), which states:

Responses

NDNR1. The impact analysis actually does report some effects (not significant) on the grazing industry and on county tax receipts as a result of plan implementation. However, the socioeconomic analysis also concluded that these negative effects may be offset by positive benefits from tourism.

Comments

Mr. Dick Martin
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"Context. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and *the locality* (emphasis added). Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant."

As the management of Death Valley National Park is a site-specific action, we believe that a discussion of the impacts of the action, policies, and plans, on Nye County, and the significance of those impacts must be fully evaluated considered, and disclosed. Where impacts are determined to be significant, mitigating measures must be implemented.

NDNR2

In this regard Nye County notes for the record that the DEIS identifies formal policies of the National Park Service that have been and will continue to be implemented to protect Park water resources. The DEIS fails to discuss, however, the impacts of these policies on the local residents, local business, and local government. Such analyses and discussions are required by the provisions of 40 CFR 1508.18 (b)(1), (2), and (3). As noted in the public meetings, and at the meetings held between Nye County, its residents and businesses, and the Park Service staff, the implementation of these policies has resulted in significant cost burdens to the residents, businesses, and local government of Nye County. While such impacts may not be "intentional" (as frequently stated by Park Service staff) the impacts are occurring nonetheless, are significant, and require mitigation.

Nye County also notes for the record that although the region of influence for purpose of describing the affected environment includes communities in Nye County, the impact analyses do not extend beyond the boundaries of Park Service-managed lands. Such an approach to impact analysis is clearly inadequate. The final EIS must include an impact analysis that includes the locale surrounding Park Service-managed lands, and must account for the direct effects of Park Service policies on water availability to the residents, businesses, and government of Nye County. Further, it must identify the indirect effects of the cost burden the policy has placed on Nye County's residents business, and government. The enclosed Nye County analyses identify and discuss those impacts. Where the Park Service disagrees with the County's findings, an explanation, supported by data and factual information, must be included in the response to our comments.

NDNR3

Finally, Nye County, a local government affected by the National Park Service's proposed action and policies, formally requests by way of this letter that the points discussed herein, and within our enclosed analyses, be addressed in a formal reply to this office. We note at this time, that information formally requested via letter in August

Responses

NDNR2. The National Park Service does not knowingly take any action that results in direct impacts to non-NPS lands outside our boundaries. However, given our mission to preserve and protect Park resources, the Park Service does actively participate in local, state, and other federal permitting processes that allow entities that may be affected by an action to comment and testify regarding those effects. Our actions to identify possible effects on Park resources are undertaken in the same manner that any other concerned citizen, organization or agency would take to prevent adverse effects to their property. Park Service activities relates to water management are following the laws and policies of the state of Nevada.

The National Park Service believes that water conservation and protection of aquifers is important to the economy and quality of life in the area.

NDNR3. The Park staff is working with Nye County on a memorandum of understanding for communications and notification regarding water and other matters of joint interest.

Comments

Mr. Dick Martin
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Page 3

1998 to assist us in our review of this DEIS still has not been received. Thus, some parts of our analyses submitted in the enclosure must be considered to be provisional.

Nye County appreciates the opportunity to comment on the DEIS, and looks forward to working with you in the resolution of our concerns and issues. If you have questions regarding our comments or desire additional information on this matter, please contact MaryEllen C. Giampaoli, at (702) 875-4594.

Very truly yours,
NYE COUNTY, NEVADA


Les Bradshaw, Manager

Department of Natural Resources and Federal Facilities

Cc: Nye County Board of Commissioners
Jerry McKnight
MaryEllen Giampaoli

Responses

Comments

Responses

Discussion of Impacts to Water Resources Resulting from Actions of the National Park Service

The National Park Service has stewardship responsibility for the Death Valley National Park that includes two areas in Nevada. These areas, the "Nevada Triangle" (an area of about 171 square miles of which about 165 square miles are located in Nye County) and Devils Hole (an area of 40 acres located adjacent to the Ash Meadows National Wildlife Refuge). The status of the Death Valley National Park was changed by Congress on October 31, 1994 (through the California Desert Protection Act) from a National Monument to a National Park, and the area under Park Service stewardship was increased to about 3.5 million acres. This increase was limited to areas in California.

The mission of the Death Valley National Park is to protect significant desert features that provide world class scenic, scientific, and educational opportunities for visitors and academics to explore and study. The mission of the National Park Service is to preserve the natural and cultural resources and values of the National Park System for the enjoyment, education, and inspiration of this and future generations.

Impact of Mission Related Actions

The National Park Service (NPS) recently released their Draft Environmental Impact Statement and General Management Plan for Death Valley National Park (NPS, September, 1998). The management objectives for this plan include a number of goals that have implications with respect to the water resources of Nye County. These objectives include the perpetuation of native plants, animals and ecosystems including rare and endangered species such as the Devils Hole pupfish, and the perpetuation and increase in water resource science and conservation. During the public scoping phase of their NEPA analysis, the NPS identified a number of water resource issues:

Restoration of numerous springs is needed (e.g. Marl Spring) to make them suitable for wildlife.

Consider the possible effects of BLM and NPS activities and regional developments (e.g. Stateline and Yucca Mountain) on water quality and quantity and vegetation.

Address Department of the Interior leadership needed in resolving water issues, including adjudication.

Address water resource issues (e.g. potential conflict of federal management objectives for Ash Meadows area). (NPS; September 1998, p. 44).

Specific actions aimed at achieving management objectives and addressing these issues have been identified by the NPS and include:

Identify all water sources within the boundaries of the park;

Identify as a federally reserved water right all unappropriated water from any water source identified on federal lands within the boundaries of the park;

Share water source inventory data;

Vigorously defend federally reserved water rights through the state of California administrative process and in proceedings pursuant to Nevada Water Law that may authorize groundwater withdrawals that may impact water sources to which federally reserved or appropriated water rights are attached; and

Comments

Pursue acquisition of water rights within the park. (NPS, September 1998, pp. 61-62)

Since 1989, in response to concerns over the massive water right filings by the Las Vegas Valley Water District, the National Park Service has protested numerous water right applications within the Death Valley Flow System, which encompasses all of southern Nye County. The stated policy of the NPS is:

"...to follow state administrative procedures and to pursue negotiated settlements to protect its [NPS] water rights. Following State procedures, the NPS has protested numerous water appropriation applications. In many instances NPS reached settlement agreements with the applicants (for example, an agreement between NPS and the Department of Energy concerning water right applications of DOE)." (NPS Water Resources Division, October 1997 p. 10-12)

NDNR4

In practice, the NPS has protested almost all water right applications in southern Nye County since 1989 that requested more than 6 acre-feet per year of appropriative right. The NPS actions taken to fulfill their management objectives have had, and continue to have, a number of demonstrable impacts upon the availability of water resources in Nye County.

Direct Impacts

The direct impacts of NPS actions on the water resources of Nye County include: (1) the loss of agricultural jobs and productivity, (2) a decrease in the water available for other uses in the region of influence, (3) an increase in the cost of water right acquisitions, (4) increases in operational costs for local business, and (5) a decrease in the growth rate of the agricultural sector of the County's economy.

The past actions taken by the NPS to vigorously defend reserved water rights through administrative process and the seeking of judicial remedy have had a number of adverse impacts on Nye County. On June 7, 1976, the U.S. Supreme Court ruled that water right withdrawals in the vicinity of Devils Hole must be limited to a level necessary to maintain water levels in Devils Hole above a determined level. This ruling followed the NPS appeal of a decision by the Nevada State Engineer to permit water withdrawals for irrigation purposes. As a consequence of the Court's ruling, the owners of the farm involved in the legal action were forced into bankruptcy resulting in the shutdown of a 12,000 acre ranch and the loss of more than 80 jobs with an annual payroll of more than \$340,000.

NDNR5

NPS claims a federally reserved water right for all unappropriated water from any source on federal wilderness and/or park areas. Although these rights have not been adjudicated, these claims add to the over-appropriation of the Amargosa Valley hydrographic basin. Any water right that is reserved for federal use in the region of influence reduces the quantity of water that is available for other uses by the public or local government entities.

NDNR6

In reaching settlements with water right applicants, the NPS has required that conditions regarding monitoring, annual duties, and the period of withdrawal be attached to the permit. Specific examples include the requirement that Bond Gold Bullfrog, Inc. and the DOE drill monitoring wells and monitor water levels and spring discharge rates. In other instance, the NPS has required that water right applicants significantly reduce either their requested diversion rates or annual duties, and/or their type of application (permanent versus temporary). Some water right applicants, including the DOE and U.S. Ecology, Inc., have had to haul water for their operations pending the resolution of NPS protests. The delays in water right permitting, the requirements for monitoring, and the need to haul water to sustain operations while NPS protest issues are resolved to the NPS's satisfaction, have increased the cost of water right acquisition in Nye County.

Responses

NDNR4. Generally speaking, a planning document like the *Draft Environmental Impact Statement / General Management Plan* describes proposed actions and alternatives that are within the federal decision-maker's discretion to implement. With respect to water rights, there is very little discretion because the National Park Service is required by federal law to protect the water rights of the United States. The mandate to protect these rights is based upon Park-specific enabling legislation and general authorities as provided by the 1916 Organic Act, General Authorities Act of 1970, and NPS policy. The Park Service participates in California and Nevada administrative water rights proceedings to protect federal reserved, riparian, and appropriative rights established for Death Valley from injury by outside threats such as new appropriations for groundwater located upgradient of Park water sources. Through state administrative procedures, the Park Service seeks to protect both quantified and unquantified federal reserved rights. Actions taken by the Park Service have included filing protests to applications for permits to appropriate groundwater when it has determined that the effects of groundwater pumping under these applications would potentially impair Park water rights and resources. These actions follow the substantive administrative procedures for California and Nevada water rights. As the comments suggest, protests are often resolved, and administrative hearings avoided, through negotiated settlements.

It is not the intent of the Park Service to impede the legitimate goals of applicants for groundwater, as was suggested in some of the comments. It is, however, the intent of Park Service to fully protect the water resources of Death Valley and the resource attributes that are dependent upon or related to those water resources.

In Nevada, for example, the Park Service has protested many applications for groundwater rights on the grounds that, if approved, the appropriations would impair the Park Service's senior state appropriative and federal reserved water rights if

Comments

In some instances, the NPS has approved reductions in the scope of monitoring. In late 1997, after more than six years of monitoring, the NPS concurred with the DOE's request to reduce the scope of monitoring of water withdrawals for site characterization activities at Yucca Mountain.

Because of the increased costs of water appropriations for negotiations, protest hearings, monitoring requirements, and temporary water supplies, the profits from key economic sectors of Nye County have been reduced. Any time profits are reduced in the private sector, there is a corresponding reduction in the taxes generated from the affected operations.

It is difficult to quantify the cost impacts that have occurred as a direct result of the Park Service's water policies in the region of influence. The additive costs associated solely with the protest process can be appreciable. An applicant may spend several tens of thousands of dollars on consultants and legal fees for the preparation of monitoring plans, negotiations with the Park Service, and testimony at a protest hearing. If additional monitoring wells are required, as in the case of DOE (one well) and Bond Gold Bullfrog, Inc., (four wells) the cost can exceed \$ 100,000. Other costs for monitoring have included the purchase of staff gages and spring discharge monitoring and recording equipment by the applicant for the Park Service in Death Valley. The additive costs of routine monitoring of water levels and springs varies depends upon the number of monitoring stations and the frequency of measurements but can also be several tens of thousands of dollars per year.

The costs of providing temporary water supplies until Park Service concerns have been resolved can also be appreciable. The costs to U.S. Ecology to haul water from Beatty to their facility (a distance of about 11 miles) were in excess of \$ 5,000 per month. Similar costs were probably realized by the DOE.

Although the total costs that have resulted from the Park Service's policy cannot be readily estimated, it is obvious that the costs have not been insignificant, at least several hundreds of thousands of dollars and perhaps more.

Indirect Impacts

NDNR7

The indirect impacts of past and present NPS actions, policies, and plans include increased water costs, decreased tax revenues, decreases in the long-term productivity of private lands, and exacerbation of groundwater overdraft in Pahrump Valley. Because of delays in obtaining water rights because of potential NPS protests, some entities have opted to purchase existing water rights for their uses rather than obtain water rights through the Nevada appropriative process. The costs of water rights have steadily risen in southern Nevada over the last decade; a portion of this increase in cost can be attributed to NPS policies.

Because of NPS actions, it is no longer feasible to obtain and develop new water rights for lands in the vicinity of Devils Hole, and it is more difficult and costly to obtain and develop new water rights in areas where the NPS believes the development might impact park lands. As a consequence, there has been, and continues to be, a loss of the long-term productivity of the affected lands. Although the value of this loss of productivity cannot be estimated, the shut down of the Spring Meadows Ranch clearly demonstrates that the loss is appreciable both in terms of revenues and employment.

NDNR8

The NPS plans to establish a satellite office in Pahrump or elsewhere within the Death Valley flow system. The establishment of such an office will presumably result in a small incremental increase in the population of Pahrump with a corresponding incremental increase in the demand for water. Any action that increases the demand for water in Pahrump can be expected to increase the cost for water and exacerbate the existing overdraft situation in the basin.

Responses

flows from Death Valley's springs or spring complexes and Devils Hole, which are discharge areas for regional-groundwater flow systems, are reduced or eliminated and biological resources impaired as a result of upgradient groundwater withdrawals. In most instances involving a determination of impacts due to the proposed withdrawal of groundwater, the National Park Service's understanding of the geohydrology may be no better, nor worse, than that of applicants who seek to appropriate groundwater. However, the Park Service has negotiated settlements (for example, with Department of Energy, and Barrick Bullfrog, Inc.) and achieved cooperative solutions to such protests by having the issued Permits to Appropriate the Public Waters of the State of Nevada conditioned upon the establishment and operation of monitoring programs designed to identify potential impacts at Death Valley. The monitoring programs are structured in such a way that impact shall at a time be identified and location sufficient to allow for the mitigation and/or remediation of any projected impact to Death Valley. The National Park Service believes that having this information benefits both the Park Service and Nye County.

NDNR5. The existence of all water rights limits the availability of new water rights. The Park Service has, for several years, supported the development of technical tools to assist in analyzing impacts to water rights/water resources at Death Valley resulting from existing and proposed water development upgradient from the Park. The Park Service continues to support technical investigations by U.S. Geological Survey and others because information gaps remain in several areas. To this end, the Park Service initiated the annual Devils Hole Workshop, a forum for scientists and natural resource managers working on water related issues in the Death Valley Flow System and particularly the Devils Hole area to exchange information. The Park Service supports cooperative endeavors currently underway by the U.S. Geological Survey, U.S. Department of Energy, Nye County, and others for developing a regional

Comments**Impacts from Land Withdrawal**

NDNR9

The withdrawal of land for the Death Valley National Park has eliminated the potential for groundwater development from the withdrawn lands. Thus the water resources underlying an area of about 165 square miles in Nye County have been committed to the needs of the Park Service and are no longer available for development by Nye County, its residents, or business sectors. The quantity of water that has been committed has not been identified.

Recent actions suggest that the NPS may seek to expand Department of Interior controls over public and private lands in southern Nye County. The NPS - Western Region nominated all public lands adjacent to NPS Lands a Park Service Buffer Area of Critical Environmental Concern (BLM, May 1998, p. K-56). The BLM did not recommend that this ACEC nomination be designated citing the fact that "the area was not specific enough to allow for an analysis of the values, if any, of the 'buffer lands.'" Such designations, should they be pursued by the NPS in the future, would have the same types of impacts as those discussed for the BLM ACEC designations. However, based upon consultations with the National Park Service, there are no plans at present to nominate any areas as ACECs nor does the Park Service anticipate ever seeking buffer areas around Death Valley National Park (personal communication, Mr. Dick Martin, Superintendent, Death Valley National Park, Nov. 12, 1998).

Impacts from Water Use

NDNR10

Provisional data concerning historic water use at Death Valley National Park were made available by the National Park Service. Existing water uses include the Furnace Creek Ranch (a privately run hotel and golf course), consumption by tourists and park staff, wildlife, and irrigation of non-native vegetation including lawns, salt cedars, and palm trees. Table 1 summarizes the water use at Death Valley National Park. Total water use for 1994 was estimated to be about 805 million gallons or 2,470 acre-feet. These water use numbers are approximations as metered data is only available for some of the areas and for limited time periods.

According to discussions with Park Service staff, the water use at the Furnace Creek Ranch hotel and resort has been reduced since these 1994 estimates were made. Currently, the hotel resort uses 38 to 39 million gallons per month or about 1,400 to 1,436 acre-feet per year (personal communication, Mr. Mel Essington, National Park Service, 12 Nov 1998).

According to visitation data presented in the NPS's DEIS, the number of visitors to Death Valley National Park almost doubled between 1990 and 1997 from 691,000 to over 1,222,000. A corresponding increase in the demand for water has probably occurred however, without more consistent meter data and more accurate estimates, this increase cannot be accurately estimated as part of this evaluation. The impacts of water use in Death Valley on the up-gradient portions of the flow system, if any, have not been evaluated. As these uses are supplied primarily by springs, there probably are not any significant impacts on the water resources of Nye County. The impacts are likely limited to Death Valley and probably include reduced areas of habitat fed by springs and increased salinity of the groundwater.

Responses

model of the Death Valley Groundwater Flow System and other scientific information to improve understanding for the geohydrology of the system. However, completion of these endeavors, and others yet to be started, will take some time before enough data is available to improve upon current predictive capability. Additionally, the Park Service will pursue protection actions using available scientific information to determine potential for impact and, will continue to seek the collection of additional data through negotiated resolutions to water right permit protests.

NDNR6. See response to comment NDNR4.

NDNR7. See response to comment NDNR4.

NDNR8. There would likely be one restroom in a facility of this type. The amount of water needed for this office facility would be inconsequential.

NDNR9. The withdrawal of land in Nye County for Death Valley is not an action resulting from this plan. This action occurred as a result of a Presidential Executive Order in 1933. The Park is not seeking the designation of buffer areas by the Bureau of Land Management.

NDNR10. Information you provided regarding water use by Park staff and visitors has been incorporated into the "Affected Environment" and "Environmental Consequences" sections. We agree with your conclusion that water use in Death Valley is not significantly impacting water resources in Nye County.

Comments

Responses

Table 1. 1994 Water Use at Death Valley National Park (Source: Provisional data from NPS files)			
Water System	Average Annual Use (Million Gallons)	Average Annual Use (acre feet)	Comments
Cow Creek	58.400	179.2	unmetered
Furnace Creek	42.828	131.4	metered broken in 1992
Wildrose	0.748	2.3	unmetered
Stovepipe Wells	0.131	0.4	meter removed 1993
Scotty's Castle	72.237	221.7	Sep 89-Apr 94 data
Grapevine	3.561	10.9	unknown type & period
Mesquite Campground	1.041	3.2	unmetered
Fred Harvey at Stovepipe Wells	1.280	3.9	Jan 90-Mar 94
Fred Harvey at Furnace Creek	611.971	1,878	Sep 89-Mar 94
Timbisha Village	12.572	38.6	Dec 91-Mar 94
Totals	804.768	2,470	

Nye County Perspective of the Cumulative Effects on Water Resources

Probably the most important water resource issues related to the indirect impacts of National Park Service actions at Death Valley relate to the cumulative adverse impacts of past, present, and reasonably foreseeable future actions in Nye County on the present and future availability of water resources in the region. As a consequence, this discussion is related to the issue of cumulative impacts as they apply to the supply of agricultural, mining, and quasi-municipal water supplies, and water needed to support wildlife and habitat.

Definition of Reasonably Foreseeable Future Action Scenarios

The "reasonably foreseeable future" is not defined in NEPA or in its implementing regulations. For the purposes of this evaluation, the reasonable foreseeable future is defined in accordance with the U.S. Bureau of Land Management (BLM) *Guidelines for Assessing and Documenting Cumulative Impacts* (April 1994). This guidance states:

"The reasonably foreseeable action is not a worst-case scenario but a rational projection that combines known action and reasoned, defensible assumptions about future events and developments. It is not necessary (or desirable) to project reasonably foreseeable future actions on maximum development; rather they should be based on what is reasonable, using available and anticipated future technology and defensible economic projections." (as cited, pp. 24-25)

The BLM guidance suggests that Reasonably Foreseeable Future Actions Scenarios (RFFAS) be developed for the purposes of estimating long-term cumulative impacts. The RFFAS, according to this

NDNR11. The National Park Service acknowledges your cumulative effects analysis and we believe it serves to support NPS actions to protect water resources of Death Valley from upgradient developments. Clearly, efforts to protect the federal reserved water right have not caused the overdraft and over-appropriation of water in the Pahrump and Amargosa Valleys that are cited. These activities are the reason why the Park Service actively participates in the state permitting process to ensure protection of water resources.

Comments

guidance, should be based upon existing planned actions as set forth in Resource Management Plans, actions that are likely to occur on private, state and other federal land that may impact the same resources as the specific proposed action in question, and clearly documented assumptions. (as cited, pp. 25-26) Based upon the available information and the assumptions summarized and discussed below, three RFFAS were developed for cumulative impact evaluation. The proposed actions for each scenario are summarized in Table 2. For the purposes of this evaluation, the reasonably foreseeable future extends through the year 2050.

The Resource Management Plans, Environmental Impact Statements, and other NEPA documents that were used to define the planned federal actions that may impact water resources within the region of influence during the reasonably foreseeable future are listed in Table 3.

The proposed actions and management policies that have been adopted, or are proposed in these documents are considered in all three scenarios. It is assumed that withdrawals of National Park Service lands and military reservations, including the Nellis Air Force Range, will be maintained throughout the reasonably foreseeable future as will the lands under the stewardship of the Bureau of Land Management. Further, based upon consultations with the steward agencies, it is assumed that the resource management strategies set forth in the documents listed above will continue in the reasonably foreseeable future. The definition of the impacts upon water resources associated with these federal actions, policies, and management strategies are discussed in the section on the effects of past and present actions.

In addition to the federal actions defined and evaluated in these sources, there are a number of non-federal actions that must also be taken into account in evaluating the cumulative impacts on Nye County's water resources. These actions include: (1) Nye County's proposed Nevada Science and Technology Corridor; (2) the Las Vegas Valley Water District's proposed water withdrawals in Clark and Nye County; (3) the expected growth in Pahrump, Amargosa Valley, and Beatty; (4) the closure of the gold mine at Beatty; and (5) actions associated economic development at the Nevada Test Site under the auspices of the Nevada Test Site Development Corporation (NTSDC). Information concerning these actions and proposed actions was obtained from published feasibility studies, consultations with the proponents, town boards, regional planning commissions, and information concerning water right applications on file with the DWR.

Uncertainty exists with respect to predicting future growth in Nye County, or almost anywhere for that matter. As a consequence, assumptions must be made concerning growth rates and water consumption. For the purposes of this evaluation, the following assumptions are made:

Assumption 1. Pahrump will experience a full build-out by the year 2050 and all water rights currently held within Pahrump Valley hydrographic basin will be put to beneficial use by that time. Based upon current Nye County projections, the total water demand in the year 2050 will be 84,000 acre feet per year, representing an overdraft of 65,000 acre feet per year on the groundwater resources of the basin. This assumption is included in the definition of all three scenarios.

Rationale Nye County projections indicate that the population of Pahrump will approach 150,000 people by the year 2050 with a corresponding demand of 84,000 acre feet per year (Buquo, 1996). This projection was based upon a per capita consumption rate of 486 gallons per day and a reduction in agricultural water withdrawals of twenty per cent per decade. The projected demand of 84,000 acre-feet per year is more than four times the established perennial yield of the basin and is more than three times the steady-state pumping rate of 26,000 acre-feet per year. The steady-state pumping rate was calculated by Harrill (1986, pp. 47-48), and used by the Nevada Division of Water Resources to take into account return flows from agriculture, domestic use, and public-supply and commercial use (Nevada Division of Water Resources, Supplemental Ruling on Remand, In The Matter of Application 51632, June 2, 1989, Peter G. Morros, State Engineer, Finding of Fact VI).

Responses

Comments

Responses

Table 2. Reasonably Foreseeable Future Action Scenarios Use in NEPA Impact Evaluation			
Proposed or Existing Action or Assumption	Reasonably Foreseeable Future Action Scenario		
	Scenario 1	Scenario 2	Scenario 3
Overdraft in Pahrump Valley and Amargosa Desert; Full use of perennial yield of Jackass Flat and Rock Valley	X	X	X
No future development in Mercury Valley	X	X	X
BLM – Resource Management Plans	X	X	X
Death Valley National Park General Management Plan	X	X	X
Nellis Land Withdrawal	X	X	X
U.S. Forest Service Plans	X	X	X
DOE-NTS/ER monitoring only	X	X	
DOE-NTS/ER active groundwater controls			X
Las Vegas Valley Water District Full Development of Groundwater Resources in Clark County			X
High-Level Waste Repository at Yucca Mountain		X	X

NOTES: DOE-NTS/ER = Department of Energy Nevada Test Site Environmental Restoration Program - Scenarios 1 and 2 include only passive groundwater controls (monitoring and institutional controls). Scenario 3 includes active groundwater controls (plume control through capture and treatment or hydraulic barriers coupled with institutional controls).

Table 3. Federal Agency Documents Used In This Evaluation.	
Agency	NEPA Documentation
U.S. Department of Interior Bureau of Land Management	Proposed Las Vegas Resource Management Plan and Final Environmental Impact Statement (May 1998), Record of Decision (October 1998), and Implementation Plan (in preparation) Tonopah Resource Management Plan and Implementation Plan
U.S. Department of Interior National Park Service	Draft Environmental Impact Statement and General Management Plan, Death Valley National Park, California and Nevada (August, 1998)
U.S. Department of Energy Nevada Operations Office	Nevada Test Site, Resource Management Plan, Working Draft (May 21, 1998) Final Environmental Impact Statement for the Nevada Test Site and Off-Site Locations in the State of Nevada (August 1996) and Record of Decision (December 1996) Draft Intermodal Transportation Environmental Assessment (September 1998) Final Waste Management Programmatic EIS (1997) and Record of Decision (in preparation)
U.S. Air Force	Renewal of the Nellis Air Force Range Land Withdrawal, Draft Legislative Environmental Impact Statement
U.S. Forest Service	Proposed Research Natural Area EA Roadless Area Plan and Forest Plan Revision

Comments

Assumption 2. Amargosa Valley will place all water rights currently held within the Amargosa Desert hydrographic basin to beneficial use by the year 2050. Based upon current Nye County projections, the total demand in the year 2050 will be at least 29,000 acre-feet per year, representing an overdraft of at least 5,000 acre feet per year on the groundwater resources of the basin. This assumption is included in the definition of all three scenarios.

Rationale It would be erroneous to assume that future water withdrawals in the region of influence will be limited to the published perennial yields or steady-state pumping rates of the source basins, as has been assumed by some investigators. The histories of water withdrawals in Pahrump Valley, Las Vegas Valley, and other basins in Nevada clearly demonstrate that water withdrawals within a given basin are not limited by the perennial yield. According to the estimates made by the Nevada Division of Water Resources, groundwater withdrawals in Pahrump Valley have exceeded the perennial yield of the basin every year since at least 1983. Water use in Pahrump is accelerating at present and the effects associated with full development of the existing water rights must be considered in a NEPA evaluation of the region of influence.

At present, the existing water rights in Amargosa Desert exceed the perennial yield of that basin. It is quite plausible that growth will accelerate and that all of these existing rights will be put to use within the next half-century. Agricultural production in the Amargosa Desert hydrographic basin is driven largely by market factors and concerns over water right forfeitures. The development of large-scale dairy operations in the valley (Ponderosa Dairy) has provided a ready market for farmer's forage crops and increased the agricultural productivity of the area. Beginning in 1995, water right forfeiture proceedings spurred an increase in water use in the basin. As a consequence of the increased agricultural production and the threat of additional forfeitures, water withdrawals have increased dramatically over the last seven years. As of the summer of 1998, new areas in Amargosa Valley were being prepared for irrigation in 1999 (as observed during Nevada Test Site Citizens Advisory Board Tour of Amargosa Valley on October 7, 1998), thus the demand for water is expected to increase significantly over the short-term.

Residential and business development in Amargosa Valley is also occurring. A small but thriving hotel and casino, RV park, and golf course has opened in the south end of the community and new businesses have been established. Residential development is occurring and subdivision and parceling activities reported by the Nye County Department of Planning indicate that new quasi-municipal and domestic wells will be drilled as these new lots are developed.

Current and future trends in the parceling and subdividing of land suggest that the drilling of domestic wells will accelerate in the near future in Amargosa Valley. Water withdrawals from domestic wells do not require a water appropriation under Nevada Water Law. Therefore, future withdrawals for domestic purposes will be additive to those projected on the basis of current water rights. Further, even in basins such as Amargosa Valley that have been designated as closed to additional water right appropriations for irrigation, new water rights may be granted for quasi-municipal and commercial purposes. These water rights would also be additive to those currently appropriated within the basin. Therefore, an overdraft of the Amargosa Desert is to be expected within the reasonably foreseeable future. Because of planned federal land acquisitions and disposals, and actions relative to water rights in the basin, it is premature to predict the full growth potential of the community of Amargosa Valley and hence the magnitude of overdraft. However, it is considered reasonable to assume that an overdraft of at least 5,000 acre-feet per year will occur by the year 2050. This overdraft represents the full development of the 28,650 acre-feet of water rights that have been granted and the demand for a very conservative estimate of 350 additional domestic wells at one acre foot per year per well.

Assumption 3. Because of current and future overdraft of Pahrump Valley, projected future overdraft of Amargosa Desert, and planned and reasonably foreseeable actions related to the development of the

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Nevada Science and Technology Corridor and the NTSDC, the entire perennial yields of the Jackass Flat and Rock Valley hydrographic basins will be put to beneficial use by the year 2050. This assumption is included in the definition of all three scenarios.

Rationale With respect to the Nevada Science and Technology Corridor, the development of the proposed Nevada Science Museum and the Amargosa Valley Science and Technology Park are actions which are expected to occur in the reasonably foreseeable future. These actions will increase the demand for water in the hydrographic basins north of U.S. Highway 95 (Jackass Flats and Rock Valley). Minor increases in water demand that are already occurring as a result of NTSDC developments (e.g., Kistler Aerospace and Fluid Tech, Inc.) are expected to increase as future actions such as VentureStar, solar energy projects, and other developments occur. These basins are also under investigation as sources for supplemental water supplies to mitigate the projected overdrafts in Pahrump Valley and Amargosa Desert. Because of environmental concerns with respect to Mercury Valley and groundwater contamination from underground nuclear testing in Buckboard Mesa, Frenchman Flat, and Yucca Flat, the only two hydrographic basins in southern Nye County where unappropriated groundwater could be reasonably expected to be developed for supplemental supplies are Jackass Flats and Rock Valley. Therefore, it is assumed in this analysis that all of the legally available groundwater in these two basins will be appropriated and put to a beneficial use by the year 2050 in all scenarios.

Assumption 4. Because of growth in Clark County, all of the available water resources of the hydrographic basins in Clark County will be put to beneficial use by the year 2050. This assumption is included in the third scenario.

Rationale On a more regional scale, a rigorous NEPA evaluation must also consider trends in water development in Clark County and their implications with respect to future water use. To provide water for the continued growth of metropolitan Las Vegas, the Southern Nevada Water Authority and Las Vegas Valley Water District have filed water right applications in basins up gradient of Nye County. The District has filed water right applications in Three Lakes Valley (north and south hydrographic basins) and Tipapoo Valley (north and south hydrographic basins). The quantities of water filed for are in excess of the perennial yields of these basins. Recently (September 1998), the Nevada Division of Lands filed three water right applications in Three Lakes Valley for a new prison. Pending resolution of protests related to these applications, it is not possible to determine at this time what future water developments will occur in the valleys located hydraulically up gradient of Nye County. However, based upon the continued growth of metropolitan Las Vegas, it is considered reasonable to assume that all legally available water in Clark County will be appropriated and placed into beneficial use by the year 2050. However, as such development is not likely to occur until sometime after the year 2020, it is only included in one scenario.

Assumption 5. Because of wildlife concerns associated with Devils Hole and Ash Meadows, no additional significant water withdrawals beyond those of the DOE will occur in Mercury Valley or from the areas within the Amargosa Desert hydrographic basin that are situated hydraulically up gradient of these environmentally sensitive areas. This assumption is included in all three scenarios.

Rationale Previous attempts to increase agricultural productivity near Devils Hole resulted in a lowering of water levels in this feature that raised concerns about the continued existence of the Devils Hole pupfish. Planned conversion of these agricultural lands to residential uses was also considered by some to be an unacceptable threat to the aquatic species at Ash Meadows and led to the purchase of this land for preservation. Because of concern that increased water production from up gradient areas would adversely impact the habitat at Devils Hole and Ash Meadows, it is considered highly unlikely that significant water withdrawals in the area will be permitted by the Nevada Division of Water Resources. However, the small quantities of water presently used for domestic and quasi-municipal purposes will continue to occur and may increase slightly over the next 52 years. Should the demand for water increase for some

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unforeseen future development, it is likely that water would be imported to the region to avoid adverse impacts on Devils Hole and Ash Meadows.

Scenario 1 Baseline Cumulative Impacts

The baseline cumulative direct and indirect impacts on water resources as a result of past, present, and reasonably foreseeable future actions in Table 4. Table 4 lists the cumulative impacts from mission related activities along with those from the non-federal sector. Table 5 lists the cumulative impacts from the land withdrawals and designations, and Table 6 lists the cumulative impacts from water appropriations, water right claims, and water use by the federal agencies and private sector. These impacts represent the expected cumulative impacts of past and present actions by both federal agencies and private enterprises. The cumulative impacts of these actions have resulted in a number of significant cumulative impacts on water resources including injury through contamination, constraints on water development (both in terms of availability and the loss of locations for water wells), increased demands for water, overdraft, over appropriation, loss of long-term productivity, increases in the costs of water and water rights, loss of habitat, and decreases in tax revenues to the County.

Table 7 summarizes total water use in the region of influence and the predicted water use in the year 2050. According to the records of the Nevada Division of Water Resources, the combined pumping for agriculture, mining, and quasi-municipal purposes in Oasis Valley, Amargosa Desert, and Pahrump Valley now exceeds 40,000 acre-feet per year. With federal water uses added along with minor private uses in Indian Springs Valley, the total water use at present is approximately 59,000 acre-feet per year. Projections made by Nye County indicate that this demand in Oasis Valley, Amargosa Desert, and Pahrump Valley will grow to more than 100,000 acre-feet per year by the year 2050. Taking federal water use into account and the expected developments in Clark County, the projected total demand for water in the year 2050 is projected to be on the order of 141,000-acre feet. To accommodate this projected demand, it is considered very likely that every favorable location for obtaining potable groundwater in southern Nye County will be developed by the mid 21st century.

Scenario 2. Baseline Plus Yucca Mountain

The adverse impacts of the land withdrawal for the Yucca Mountain site will be additive to: 1) the radiological burden already imposed on Nye County from underground nuclear weapons testing, its related tests and experiments, and radioactive waste disposal; 2) the federal land withdrawals associated with the Nevada Test Site, the Nellis Air Force Range, and National Park lands; 3) the impacts that have resulted from federal policies aimed at preserving the environmentally sensitive areas at Devils Hole, Ash Meadows, and Death Valley National Park; and 4) the water resource use and management practices occurring on both public and private lands in Nye County.

Any contaminant releases from a repository at Yucca Mountain will be additive to the contamination that already exists. The results of preliminary modeling efforts conducted by the Department of Energy indicate that a plume of contaminated groundwater may form under, and down gradient of, Yucca Mountain after closure. The leakage of radioactive contamination, as predicted by these models, indicates that further losses of water resources may occur. The predicted area of contamination from Yucca Mountain overlaps contaminant pathways and predicted contaminant plumes leading from underground nuclear weapons testing areas on the Nevada Test Site. The impacts of contaminant releases from Yucca Mountain will be additive to those from the underground nuclear weapons testing areas and to those from other contaminant sources including waste disposal facilities. Because the amount of existing contamination on the Nevada Test Site is unknown, it is difficult to determine the cumulative losses of natural resources that will occur as a result of the co-mingling of contaminant plumes from different sources. However, it is possible to determine the significance of the potential for such losses by evaluating the total contamination and contaminant sources in terms of their radioactivity.

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Table 4. Cumulative Impacts From Mission Related Activities - Scenario 1 - Baseline Cumulative Impacts				
Agency or Sector	Actions	Direct Impacts	Indirect Impacts	Significance
Department of Energy	Nevada Test Site Operations Past Actions Implement Resource Management Plan	Contamination of subsurface; Physical damage to aquifers; Water level perturbations; Increased recharge down chimneys.	Contamination of recharge; Removal of contaminated areas from future water development;	Significant resource injuries and constraints on water development
U.S. Air Force	Nellis Air Force Range Operations Past Actions	Surficial contamination; Water level perturbations.	Increased water demand in employment centers;	Not significant
Bureau of Land Management	Past Actions Implement Resource Management Plan	Reduced water availability; Increased over appropriation of Amargosa Valley; Restricted area for development; Increased water demand.	Increased water costs; Decreased tax revenues; Decreased long-term productivity of private lands; Decreased tax base growth; Increased overdraft of Pahrump Valley.	Significant increased demand for water and overdraft in Pahrump and over appropriation in Amargosa Valley.
National Park Service	Past Actions Implement General Management Plan	Reduced water availability; Increased over appropriation of Amargosa Valley; Restricted area for development; Increased appropriation time; Increased appropriation cost; Increased water demand.	Increased water costs; Decreased tax revenues; Decreased long-term productivity of private lands; Decreased tax base growth; Increased overdraft of Pahrump Valley.	Significant losses of long-term productivity of private lands, increases in costs of obtaining water rights, and decrease in tax revenues to County.
U.S. Fish & Wildlife Service	Past Actions	Reduced water availability; Increased over appropriation of Amargosa Valley; Decreased long-term productivity.	Increased water costs; Decreased tax revenues.	Significant losses of long-term productivity and tax revenues to County.
Non-federal Sector	Past Actions RFFAs Scenario 1	Overdraft of Pahrump Valley; Over appropriation of Amargosa Valley; Water levels declines; Increased appropriation time; Increased appropriation cost; Groundwater contamination.	Increased water costs; Loss of habitat and species; Increased pumping lifts; Decline of spring discharges; Potential subsidence; Increased water speculation.	Significant overdraft and loss of habitat and species in Pahrump Valley. Significant potential for over appropriation of flow system.

Table 5. Cumulative Impacts From Land Withdrawals and Designations - Scenario 1 - Baseline Cumulative Impacts

Agency	Withdrawal or Designation	Direct Impacts	Indirect Impacts	Significance
Department of Energy	Nevada Test Site Land Withdrawal (864,000 acres $\pm$)	Restricted area for development.	Reduced water availability; Increased water costs.	Significant reduction in water availability.
U.S. Air Force	Nellis Air Force Range Withdrawal (1,290,000 acres $\pm$)	Restricted area for development.	Reduced water availability; Increased water costs.	Significant reduction in water availability.
Bureau of Land Management	46,444 acres designated for disposal 45,963 acres designated as Areas of Critical Environmental Concern	Reduced water availability; Increased over appropriation of Amargosa and Pahrump Valleys; Restricted areas for development; Increased water demand.	Increased water costs; Decreased tax revenues; Decreased long-term productivity of private lands; Decreased tax base growth.	Significant increased demand for water and overdraft in Pahrump and increased demand in Amargosa Valley.
National Park Service	Death Valley National Park Land Withdrawals (106,961 acres)	Reduced water availability; Increased over appropriation of Amargosa Valley; Restricted area for development; Increased water demand.	Increased water costs; Decreased tax revenues; Decreased long-term productivity of private lands; Decreased tax base growth.	Significant losses of long-term productivity of private lands, and decreased tax revenues to County.
U.S. Fish & Wildlife Service	Ash Meadows National Wildlife Refuge (12,000+ acres in region of influence only; does not include Railroad Valley Wildlife Management Area or co-use of Nellis Air Force Range lands)	Reduced water availability; Increased over appropriation of Amargosa Valley; Decreased long-term productivity.	Increased water costs; Decreased tax revenues.	Significant losses of long-term productivity and tax revenues to County.
U.S. Department of Agriculture	Lands designated as National Forests (<1,000 acres in region of influence) (1,942,983 acres in all of Nye County)	None identified	None identified	Not significant
Total	Withdrawal of 2,261,000 acres $\pm$; Designation of 59,000 acres $\pm$ for conservation, wildlife, or preservation; Designation of 46,444 acres for disposal.	Reduced water availability; Increased over appropriation of Amargosa and Pahrump Valleys; Restricted areas for development; Increased water demand.	Reduced water availability; Increased water costs; Decreased long-term productivity of private lands; Decreased tax revenues.	Significant reduction in water availability; increased demand for water and overdraft in Pahrump and increased demand in Amargosa Valley; losses of long-term productivity of private lands, and decreased tax revenues.

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Table 6. Cumulative Impacts From Groundwater Withdrawals - Scenario 1 - Baseline Cumulative Impacts				
Agency or Sector	Water Right Appropriations	Claimed Reserved Rights	Estimated Peak Water Use and Year	Significance
Department of Energy	353 acre feet	4,175 (interim claim per Draft Resource Management Plan)	4,175 (sum of 6 basins, peak years vary)	Claimed right exceeds perennial yield of Yucca Flat
U.S. Air Force	1,669.44 acre feet	None	159.51 acre feet	Not significant
Bureau of Land Management	Unknown	None	small	Not significant
National Park Service	none in Nye County	Claims unquantified federal reserved rights for all unappropriated water from any source on federal wilderness and/or park areas	Unknown, 2,470 acre feet average with 588 acre feet of federal use and 1,882 acre feet by non-federal users within Death Valley National Park	Unquantified claim for reserved rights may be significant; water use in National Park is not significant.
U.S. Fish & Wildlife Service	12,576 acre feet	None	24,000 (each year through evapotranspiration)	Significant water rights (more than 50% of perennial yield).
Total federal	> 15,000 acre feet	Unknown, at least 4,175 acre feet in Nye County.	> 30,804 acre feet	Significant water use and reduced water availability for other uses.
Total non-federal	Approximately 96,000 acre feet (does not include domestic wells)	None	Approximately 45,000 acre feet	Significant overdraft of Pahrump Valley
Total Cumulative	> 111,000	Unknown, > 4,175 acre feet	Approximately 76,000 acre feet	Significant overdraft of Pahrump Valley

Table 7. Estimated 1997 Use and Projected 2050 Water Demand in of the Region of Influence.

Basin and Basin Number	Estimated Water Use and Year	Estimated Use - 2050	Significance
Lida Valley (144)	unknown	no projections	No significance
Stonewall Flat (145)	none reported	no projections	No significance
Sarcobatus Flat (146)	25 acre feet (1997)	no projections	No significance
Gold Flat (147)	40 acre feet (1988)	25 acre feet	No significance
Cactus Flat (148) Stone Cabin (149)	107 acre feet (1997)	107 acre feet	No significance
Groom Lake Valley (158a)	no data	no projections	No significance
Papoose Lake Valley (158b)	no data	no projections	No significance
Yucca Flat (159)	194 acre feet (1996)	no projections	No significance
Frenchman Flat (160)	273 acre feet (1996)	no projections	No significance
Indian Springs Valley (161)	660 acre feet (1992)	725 acre feet	Exceeds perennial yield in 1992 and 2050
Pahrump Valley (162)	28,819 acre feet (1997)	84,000 acre feet	Exceeds perennial yield by >50% in 1992 and by > 440% in 2050
Three Lakes Valley South (211) Three Lakes Valley North (168)	350 acre feet (1992)	9,000 acre feet	Equals perennial yield by 2050
Mercury Valley (225)	339 acre feet (1993)	no projections	No significance
Rock Valley (226)	None	8,000 acre feet	Equals perennial yield by 2050
Jackass Flats (227a)	217 acre feet (1996)	4,000 acre feet	Equals perennial yield by 2050
Buckboard Mesa (227b)	248 acre feet (1996)	3,600 acre feet	Equals perennial yield by 2050
Oasis Valley (228)	718 acre feet (1996)	2,000 acre feet	Equals perennial yield by 2050
Crater Flat (229)	1,245 acre feet (1996)	900 acre feet	Exceeds perennial yield by 38% in 1992 but likely to decrease to perennial yield by 2050 with mine shut downs
Amargosa Desert (230)	26,478 acre feet (includes Fish & Wildlife appropriations)	29,000	Combined pumpage and evapotranspiration exceeds perennial yield by 58%.
TOTAL	59,000 $\pm$ acre feet	141,000 $\pm$ acre feet	Resources over developed by 2050.

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The cumulative activity of existing and future radioactive wastes and contamination within the region of influence is summarized in Table 8 and portrayed graphically in Figure 1. As shown, the baseline activity that is already present in Nye County is on the order of 310 million curies. The disposal of wastes at Yucca Mountain would increase this activity by a considerable factor. Because of the decay rates of the specific radionuclides and their daughter isotopes and the uncertainty regarding when wastes would actually be entombed in the repository, it is not possible to accurately define the total radiological burden at this time. However, given that the wastes in their current form have a total activity on the order of 14 billion curies, the wastes proposed for disposal will significantly increase Nye County's radiological burden.

Only a portion of the Yucca Mountain land withdrawal will be additive to the other federal land withdrawals associated with the Nevada Test Site, Nellis Air Force Range, and National Park lands. About one-half of the land to be withdrawn for Yucca Mountain is already withdrawn for portions of the Nevada Test Site and Nellis Air Force Range. Of the total withdrawal of 4,244.50 acres, approximately 2,000 acre will be additive. This additive portion includes prime water well locations in Crater Flat. The cumulative impact of the Yucca Mountain land withdrawal will further reduce the areas in which water resources can be developed to meet the long-term water shortfalls projected for southern Nye County. The cumulative loss of the majority of the Jackass Flats hydrographic basin and the most productive portions of the Crater Flat basin represent significant constraints on the development of the County's water supplies.

The construction and operation of a repository at Yucca Mountain will result in impacts that are additive to those that have resulted from federal policies aimed at preserving the environmentally sensitive areas at Devils Hole, Ash Meadows, and Death Valley National Park. The community of Amargosa Valley is situated between the DOE-managed lands and those managed by the U.S. Fish and Wildlife Service and the National Park Service. In short, the federal government has adopted a policy of permissible pollution on the DOE lands up-gradient of Amargosa Valley and absolute preservation of federal lands down gradient of the community. The best areas for water development up-gradient from the Nevada Test Site are on the Nellis Range and thus are not available for development. Nye County is caught in the middle of these conflicting policies. The County is faced with the formidable challenge of providing potable water supplies and water for agriculture and mining without inducing the flow of contamination off of DOE lands while maintaining in perpetuity the wildlife, habitat, and cultural values associated with the Department of Interior lands. The cumulative impact of these policies is significant. It is considered very likely that Nye County may ultimately have to implement very costly water importation projects to provide its citizens with a safe supply of drinking water without adversely impacting areas designated for conservation or preservation.

Finally, the impacts of Yucca Mountain will be additive to the water resource use and management practices on both public and private lands in Nye County. Although the overall water use by Yucca Mountain is expected to be small (about 350 acre-feet per year), this demand will be additive to those of the federal government. The demand for water to support federal policies regarding federally owned or managed lands must be met from the shared water resources that are available. As a consequence, any water that is committed to a federal action is not available for private uses in Nye County. Thus, although the water demand of each individual federal action is not large, the demand for water to support all federal actions is large and the cumulative effect of the federal demand for water is significant.

Scenario 3. Baseline Plus Yucca Mountain Plus Large-Scale Water Development

Scenario 3 includes the impacts of Scenario 2 with the additive impacts of large-scale groundwater withdrawals as part of remediation of the contamination at the Nevada Test Site and interbasin water transfers to metropolitan Las Vegas. Although not being actively considered at this time, it may become

Figure 1 Types and Depth Horizons of Radioactivity on the NTS and Yucca Mountain. Modified from US Department of Energy DOE/EIS C243, August 1996, Environmental Impact Statement for the Nevada Test Site and Off Site Locations in the State of Nevada, Volume 1, page 4-7.

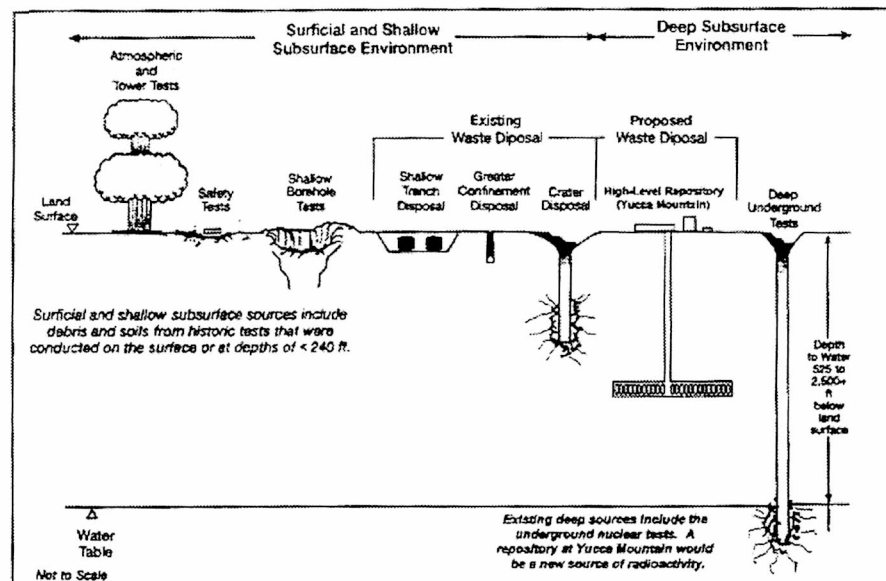


Table 8 Summary of Radioactivity in Southern Nye County, Nevada. Modified from US Department of Energy EIS for the NTS and Offsite Locations in the State of Nevada, Volume 1, p. 4-6.

SOURCE OF RADIOACTIVITY	MAJOR KNOWN ISOTOPES OR WASTES	APPROXIMATE REMAINING ACTIVITY (curies)
Above Ground Tests	Americium, Cesium, Cobalt, Plutonium, Europium, Strontium	20
Safety Tests	Americium, Cesium, Cobalt, Plutonium, Strontium	35
Nuclear Rocket Tests	Cesium, Strontium	1
Shallow Borehole Tests	Americium, Cesium, Cobalt, Europium, Plutonium, Strontium	2,000 at land surface unknown at depth
Shallow Land Disposal	Dry Packaged Low-Level & Mixed Wastes	500,000 ^a
Crater Disposal	Bulk Contaminated Soils & Equipment	1250 ^a
Greater Confinement Disposal	Tritium, Americium	9.3 million ^a
U.S. Ecology Beatty LLW Facility	Cobalt, Cesium, Iron, Tritium	710,000 ^b
Deep Underground Tests	Tritium; Fission & Activation Products	Greater than 300 million
High-Level Waste Repository	Cesium, Plutonium, Strontium, Americium	Greater than 14 billion ^c

^a Inventory at time of disposal (not corrected for decay). All other values are corrected for decay to January 1996.

^b Total curies as of Dec. 31, 1992 per James L. Grant & Associates, Inc. December 21, 1993

^c Summed from Sinnock et al. (1987)

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necessary to implement active groundwater controls to remediate the spread of contamination at the underground nuclear weapons testing areas on the Nevada Test Site. Examples of active controls include pump and treat systems (where contaminated water is pumped to the surface and evaporated or treated) and the creation of groundwater barriers such as hydraulic divides. Such controls, if implemented, will have two significant additive impacts: 1) the water withdrawals used to control contamination will increase the demand on the resources and further limit the water available for other purposes; and 2) groundwater flow paths and travel times may be significantly altered in the region as a whole.

Future water development in the region for non-federal purposes may also alter groundwater flow paths and travel times and could induce the flow of contaminated groundwater toward municipal well fields. As previously discussed, the Las Vegas Valley Water District has filed applications to withdraw as much water as can be permitted from basins located hydraulically up gradient of Nye County. In 1995, the U.S. Geological Survey published the results of numerical simulations of the proposed water withdrawals from rural areas in Clark, Lincoln, Nye, and White Pine counties. Although the modeling approach used is open to question, the results suggest that these water withdrawals, should they go forward, can potentially alter the groundwater flow paths dramatically in the vicinity of Yucca Mountain. (See Schaefer and Harrill, 1995, U.S. Geological Survey Water Resources Investigation 95-4173, pp. 26-27.) Even if the Southern Nevada Water Authority does not go forward with its proposed regional water withdrawals, it is likely that the remaining water resources of the region be developed within the next 50 years. Further, it is considered very likely that all of the remaining water in the region down gradient of Yucca Mountain will also be developed within the next 50 years.

Given the state-of-the-art of numerical modeling, it is not possible at this time to state what the cumulative impact of large-scale groundwater development for water supply and remediation would be. In other areas where such development has occurred (such as Pahrump Valley and Las Vegas Valley) large-scale water withdrawals have resulted in significant impacts including the lowering of water levels, the loss of springs and their associated habitat and wildlife values, subsidence, and potential water quality degradation. The development of the remaining water resources in southern Nye County will have to be carefully planned to avoid exacerbating the spread of contamination from the Nevada Test Site and the additive contamination that could result from a release from a repository. It may prove necessary to import water to the region because of the cumulative limitations imposed by the operation of a repository at Yucca Mountain and policies and management practices aimed at the protection of sensitive species and wildlife habitat.

Finally, given that the results of the performance assessment for a repository at Yucca Mountain indicate that a plume of radioactive contamination may spread down gradient from the site, it is possible that active groundwater controls may have to be implemented to remediate the pollutant plume. If active groundwater controls are employed, the impacts would be as discussed for remediation on the Nevada Test Site. These impacts would be additive to the other impacts under Scenario 3.

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Comments

Board of Supervisors
County of San BernardinoKATHY A. DAVIS
SUPERVISOR, FIRST DISTRICT

January 12, 1999

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

Dear Superintendent Martin:

Thank you for the opportunity to provide comments and input into the Draft General Management Plan for Death Valley National Park.

We have participated in the planning process to the extent of having representatives at both the meetings of the Advisory Commission and to the various scoping and briefing meetings that you have held throughout the region. We appreciate the efforts at outreach that the Service has made, both with regard to this plan and that for the Mojave National Preserve.

I have provided comments to the letter that you will receive from Advisory Commission Chairman Wayne Schulz. I do not know the extent to which he will incorporate my thoughts, as they relate to deliberations of the Commission. I did request the option that members would not be constrained from making individual comments on items of special concern or which were not deliberated by the Commission.

While only a small area of the Park lies within San Bernardino County, we do have some concerns over the Draft Plan as it applies to lands within the County.

- SBBS1 We do have an overall concern with the GMP format. In some cases the Draft Plan is quite detailed, in others it lacks specifics and lays out a need to do further planning. With regard to dealing with some issues, such as abandoned mines, it is difficult to provide any input since we do not have a picture of those with historic significance - - i.e., which might be closed, what reclamation be done, and the extent to which the Federal government would undertake financial responsibility for this work. I feel that in many cases the Service should have delayed the final plan until they could produce a more clear and detailed plan. At a minimum, this comment applies to: sand and gravel—deferred for a road management plan; wilderness management—deferred for the backcountry management plan; land acquisition is covered in the Land Protection
- SBBS2

Responses

SBBS1. See comment CDFG3.

SBBS2. See comment CDFG3. Implementation of the "Land Protection Plan" is predicated on the appropriation of funding from Congress. Requests for funding will be pursued as soon as possible after the "Land Protection Plan" is approved.

Comments

Richard Martin
January 12, 1999
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	Plan (Appendix B) without a target estimate of implementation; and grazing management—deferred to later range management planning.
SBBS3	1. The proposed action provides that Death Valley would seek Class 1 designation for Air Quality. At the Commission meeting the Service personnel stated that this would have no effect upon the existing Trona operations at Searles Lake. To the extent that the IMC Chemical Company (formerly North American) can apply new and economic technology to reduce emissions, we think this is laudable. We believe that the plan should state explicitly that the Company is exempted or will not be required to undertake remediation or modifications which would adversely affect the economic viability of their operations. 2. We have serious concerns over the Service's handling of mining.
SBBS4	The fact that valid existing rights, including valid mining claims, should be included in the listing of Planning Constraints and Mandates, since it was specifically provided in the CDPA (Section 305).
SBBS5	We agree with the fact and importance of mining history, past and present, listed as significant (page 30). We disagree with the inconsistency presented under Management Objectives (page 32) in which the Service would "prohibit or minimize...adverse effects of mining..." and also "provide for "the eventual...phaseout of mining." We believe that latter provision is inappropriate and does not reflect Congressional intent. In addition, what is "adverse?" It would appear that the Service has an opportunity to not only recognize existing rights, but also to provide additional interpretation of the mining history of the region, recognizing that that history continues to the present.
SBBS6	There is no specificity as to the #5 priority of land acquisition (Appendix B, page 243) related to "remote small claim groups." Which claims? What validity? We find, further, that the list of Unpatented claims (Appendix B-2, page 261-2) may be incomplete.
SBBS7	While we did not expect the Service's position to appear in the GMP regarding the Rainbow Talc Mine, we believe that the GMP should lay out a consistent and timely process for addressing Plans of Operations and requests for authorizations to undertake activity on claims determined to be "valid."
SBBS8	3. We do not agree with the Service's decision not to address R.S. 2477 assertions (page 47). While we recognize that the Service may be under Secretarial restrictions to not consider such assertions, we believe that are "valid existing rights" and therefore protected under Section 305 of the California Desert Protection Act. We believe that the term on page 47 "route determinations" should be replaced with the term "assertions." San Bernardino County included the road into the Rainbow

Responses

SBBS3. The designation of the Park as a Class I area is a process that is managed by the California Air Resources Board. If redesignation of the Park were considered by the state, potential effects on existing developments would be highlighted during that process. The state would be the entity to exempt existing operations or require new modifications.

SBBS4. Reference to section 305 of the California Desert Protection Act has been added. This section of the act withdraws the Park from further entry under the various mining and mineral laws. Valid existing rights are recognized and operations considered under NPS regulations promulgated after the Mining in the Parks Act of 1976. This act recognized that mining operations in parks should be conducted so as to prevent or minimize damage to park resources.

SBBS5. Mining has a historic component and its significance is detailed on page 30 of the 1998 draft plan. Mining as a contemporary activity is allowed under the Mining in the Parks Act, subject to NPS regulations (36 CFR Part 9). Those regulations prohibit mining activity that would adversely affect park resources. The approval standards (36 CFR 9.10) vary depending upon the date and status of surface patent, but generally operations that significantly injure or negatively impact park resources would not be permitted.

SBBS6. The priority listing on page 243 of the draft plan attempts to provide some rationale for acquisition, but is not a hard and fast list. The factors on page 242 would be considered in trying to determine priority of one claim over another. Pages 230 and 231 of the 1998 draft plan provides a description of the remote small claim groups referred to on page 243. The list of unpatented claims will be updated.

SBBS7. The *Environmental Impact Statement / General Management Plan* would not be the appropriate document for this issue. NPS regulations at 36 CFR Part 9 govern mining operations and provide the process for operators to submit mining plans

Comments

Richard Martin
January 12, 1999
page 3

Talc Mine in its assertion resolution (No. 98-sxxx) dated July 24, 1998. We will be writing you on this matter in separate correspondence.

SBBS9

4 We also do not agree with your decision not to consider Park Boundary and Wilderness Boundary issues under the Land Ownership and Use Section (pages 81-84). While we recognize that any change would require corrective legislation, we feel that the Service has overlooked an opportunity to overcome controversy by not using the GMP as a vehicle to reflect the experience gained over the past 4 years under the CDPA.

The statement on page 81 indicating the "scrutiny and public debate" is simply not true. The changes made during legislative consideration in the Death Valley boundaries were minor, and related to efforts made on the west side. Most comment regarded the general expansion, and little or testimony or input related to specific changes. The Baumunks and Jacksons, who held the Rainbow and Caliente Mining Claims, made no input. Rather, they continued to work with BLM to secure authorization for their plan of operation up to the date of passage of the Act, not believing that the Bill would pass and adversely affect their existing rights.

SBBS10

We suggest that a proposal in the GMP to include a cherry-stem boundary adjustment to the Park, or wilderness, e.g. like the exclusion made at the north end of the expanded Park, to exclude these valid claims, could overcome much of the controversy and expense associated with their proposal to mine.

SBBS11

5. We generally agree with the proposals related to visitor use, camping and other activities in the Park. We have so indicated in our endorsement of the letter that you will receive from Advisory Commissioner Schulz.

Sincerely,



Kathy A. Davis
First District Supervisor
Member, Death Valley Advisory Commission

Cc: Wayne Schulz, Chairman, DVNP Advisory Commission
Jerry Lewis
Mr. and Mrs. Ed Baumunk
Mike Dorame, Fifth District Supervisor, Inyo County
Valery Pilmer, Director Land Use Services, San Bernardino County
Ken Miller, Director Transportation and Flood Control, San Bernardino County

Responses

for consideration. The Park Service has also developed a Guide to Claimants to assist in their understanding of the process and regulatory requirements. Length of the process has mostly to do with the adequacy of the plan of operation and the impacts of the proposal, which determine the environmental review requirements the Park must follow.

SBBS8. RS-2477 assertion determinations are not planning decisions. Assertions will be dealt with through a process provided by the Department of the Interior or through legal remedies. Section 305 applies only to valid existing mineral rights obtained under the various mining laws. However, section 708 does ensure private landowners adequate access for reasonable use and enjoyment of property.

SBBS9. NPS criteria for examining potential boundary modifications in a general management plan are done with the purpose of adding lands with significant resources or opportunities or that are critical to fulfilling the Park mission. To create a boundary change proposal to exclude a mine from the Park or from wilderness to allow its development would not fit the NPS criteria for boundary adjustments. The National Park Service and claimants have reached agreement on purchase of the claims at Rainbow Talc Mine.

SBBS10. See comment SBBS9. We disagree that proposing a cherry-stem through wilderness to the Rainbow Talc mine would overcome the controversy surrounding this potential mine development. Such a proposal would be highly controversial. Purchase of the mine by the National Park Service seems to be the most appropriate course of action under the circumstances.

SBBS11. Comment noted.

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 *1998 Draft Environmental Impact Statement and General Management Plan* that was released in September 1998. 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.

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NATURAL RESOURCES

Air Quality/Visibility

Comment: Death Valley should seek class 1 attainment. The staff needs to draw public attention to pollution sources and provide educational programs that examine the positive effects of clean air.

Response: The proposed action identifies class I air quality designation as a desirable goal. This goal must recognize that redesignation of the Park to class I is a state process. However, regardless of the success of this redesignation effort, the Park would work actively with the local air quality control boards to minimize effects whenever development threatens Park resources. The Park is also committed to continuing its air quality monitoring efforts, and improving them whenever funding permits and as stated in the draft plan, the Park would work with air pollution control officials to ensure compliance with Clean Air Act requirements.

Comment: Classification of Death Valley from class 2 to class 1, along with the viewsheds and night sky restrictions will have a significant, long-term adverse socioeconomic effect on the region surrounding Death Valley.

Response: 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.

Comment: The proposed action provides that Death Valley would seek class I designation for air quality. The plan should state that to the extent that IMC Chemical Co., formerly North American, can apply new technology, they should be exempted or will not be required to undertake remediation or modifications.

Response: The designation of the Park as a class I area is a process that is managed by the California Air Resources Board. If redesignation of the Park were considered by the state, potential effects on existing developments would be highlighted during that process. The state would be the entity to exempt existing operations or require new modifications.

Viewsheds/Visual Quality

Comment: Keep communication towers and cell phone towers out of the Park. Existing structures should be retrofitted with viewshed compatible devices to reduce the visual presence in the current landscape.

Response: Pages 59–60 of the 1998 draft plan address the need to prepare guidelines for developed areas to create harmony between the built environment and natural areas.

Night Sky

Comment: Begin measuring and monitoring the amount of light pollution coming into the Park. Adopt a general guideline requiring night lighting to be shaded so it does not intrude upon the greater area.

Response: Death Valley's night sky is an important asset. The draft plan states an affirmative strategy to protect the night sky from outside light pollution and from within the Park. The National Park Service recently worked with the Federal Aviation Administration to reduce light impacts at Furnace Creek.

Noise and Overflights

Comment: Include more details on how natural quiet will be achieved. Noise from low-flying aircraft, primarily traffic from the airstrip at Stovepipe Wells and low-flying military jets buzzing the backcountry is a paramount problem.

Response: The primary source of noise in the Park is due to military overflights. Unfortunately, this is the one that is the most difficult to deal with because Congress specifically allows them in section 802 of the California Desert Protection Act. The plan proposes to monitor noise levels and work with the military to minimize disruptions. The Park is involved in a regional overflights working group that includes many federal land managers and military airspace managers. We hope that participation in this group will result in positive benefits for the Park.

The National Park Service is proposing to eliminate one of the airstrips and study a second airstrip in Saline Valley and convert the Stovepipe Wells airstrip from a paved to a dirt airstrip. This would reduce private aircraft numbers within the Park.

Comment: Include specific guidelines adopting a true noise monitoring plan. Identify the acquisition of some equipment to measure noise, a plan to set it up in selected areas and times, and record baseline noise impacts.

Response: A request for funding to begin a noise-monitoring program will be made in the Park's Resource Management Plan update.

Comment: The National Park Service should work with the military to minimize noise impacts to designated wilderness areas to maximum extent possible. The final environmental impact statement should clarify whether the California Desert Protection Act was intended to supercede or modify the 1976 agreement between Death Valley and Edwards AFB.

Response: 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, Floodplain and Wetland Areas

Comment: Seek to protect, perpetuate, and restore wherever possible, surface and groundwater as integral components of Park ecosystems. Inventory water sources, fish, and wildlife.

Response: The plan clearly states that water and its protection is an important issue. The Death Valley National Park staff will continue its ongoing work to inventory water features and associated biotic resources and will continue developing plans for their protection and restoration (if needed). The 1998 draft plan states on page 67 that inventory and monitoring of the Park's natural resources is important and a comprehensive strategy would be developed through the Park's *Resource Management Plan*.

Comment: State what type of mitigation measures will be implemented to minimize harm to floodplain and wetland values.

Response: As stated in the draft plan, occupancy and modification of floodplains and wetlands would be avoided wherever possible. If no practicable alternatives exist, development and maintenance of structures in wetland-riparian areas may occur. If these actions were to take place, mitigation measures would be implemented. Since the activity that might create this potential situation is unknown at this time, specific mitigation measures cannot be predicted. However, an existing example might be the Salt Creek boardwalk that was constructed to prevent visitor use from destroying wetland habitat. Another example might be restoring native species to riparian areas to replace exotic tamarisk following its removal.

Comment: Work on the water system at Texas and Travertine springs poses possible negative impacts to spring snails and other species. What does the public know of this and what will be the decision with regards to an environmental document?

Response: Park staff are currently evaluating the impact of water diversion activities at Texas and Travertine Springs. As maintenance of the existing water collection system occurs, opportunities for mitigation activities are considered and implemented as feasible. As an example, the Park may develop a water collection gallery in Furnace Creek Wash that is downstream of a largely defunct gallery. If the new gallery were to be developed, it would be outside of the wetland and riparian area. If this rehabilitation became a serious proposal, an environmental assessment would be prepared for public dissemination and comment, and alternatives and impacts would be evaluated. If substantial modification of the water collection system becomes necessary, and if funding were available, a major rehabilitation of the water collection system would trigger the development of an environmental impact statement that would encourage public comments on the proposed developments.

Comment: The pond at Emigrant ranger station should be refilled. This was a historic pond that gave respite to wildlife, primarily migrating birds, and its loss is harmful to them.

Response: The Park Service has no plans to provide water for this artificial pond at this time. Because the Park Service has an obligation to insure that natural ecosystems and natural ecosystem processes are to govern plant and animal populations, the removal of this artificial water source acted to insure that management of the local area was consistent with NPS policies.

Comment: The proposal to limit or eliminate access to floodplains and wetland areas is vague. There is no justification for limiting access to areas of the Park that have afforded continued and unrestricted access prior to 1994.

Response: The draft plan does not propose to limit access, but to avoid occupancy and modifications (e.g. buildings and roads) within floodplains and wetlands. This statement applies to NPS activities and permitted actions, and is not discretionary. It is a mandate based on laws and executive orders.

Water Developments

Comment: *Guzzlers could provide habitat to mitigate losses elsewhere. The intent and interpretation of water developments alternative needs further clarification. Do not remove water developments that are providing beneficial use to wildlife and native vegetation even though they are not considered a replacement to water lost.*

Response: Long-term management of artificial guzzlers in the Park involves numerous aspects that are beyond the scope of detail that is possible in a general management plan. The specifics that involve guzzler management, retention, and removal will be addressed in subsequent, detail-specific planning documents.

Because the National Park Service has a management responsibility to manage for natural ecosystems and natural ecosystem processes, the retention of artificial water sources that do not replace springs that were affected by human activities is problematic.

Comment: *The National Park Service and the California Department of Fish and Game should jointly examine the use of and need for developed water sites and develop a program for maintaining / dismantling developed water sites. Develop a program to allow motorized access to maintain or replenish developed water sources.*

Response: The Park would welcome the assistance and expertise of the Department Fish and Game in examining the use, maintenance, or removal of developed water sites. Motorized access to sites in wilderness would be considered extraordinary and would not be routinely allowed unless unusual circumstances warranted it. These instances would be considered on a case-by-case basis consistent with the Wilderness Act, and nothing in the California Desert Protection Act provides authority for mechanized vehicle access to guzzlers in Death Valley National Park wilderness areas. In fact, each water development in wilderness would have to be examined in light of the restrictions in the Wilderness Act on structures and installations.

Comment: *Guzzlers have been installed to provide water in areas where the natural water source has been altered by humans so that it is no longer available to wildlife. The guzzlers section in the affected environment implies that Death Valley's bighorn sheep population has expanded beyond the area's carrying capacity. In fact, bighorn sheep numbers in Death Valley have dropped dramatically (Douglas, 1985, 1986). The statement that a review of guzzler use by Park staff concluded that two of the big game guzzlers received little or no use should be substantiated.*

Response: We agree that guzzlers may be necessary where they have been installed to replace water no longer available to wildlife due to human intervention. We have requested that the California Department of Fish and Game provide us with data indicating that such is the case in Death Valley. Where guzzlers have been installed to artificially increase wildlife populations where water was not present are the areas where the Park Service is proposing to examine the guzzlers' appropriateness.

Comment: *The statement on page 62 that guzzlers would be removed when water source became self-sustaining is in direct opposition to the monument plan which states that they would be maintained and replaced if found to be a critical water source for wildlife.*

Response: The current proposed action adopts a similar policy regarding guzzlers. However, the Park's preferred approach is to provide natural water where it can be restored. If water developments are found to cause unnatural changes in plant or animal numbers they will be considered for removal. A Park's purpose is not to artificially enhance wildlife populations, but to maintain natural populations in a natural setting.

Comment: *Livestock tanks and troughs should remain if use by livestock continues. Alternative 1: "keep all developments benefiting vegetation and wildlife" implies that all other water developments, while benefiting livestock, would be eliminated. This proposal should be eliminated.*

Response: Page 63 of the 1998 draft plan addresses water developments for livestock grazing and clearly indicates that water necessary for animal health would be maintained.

Comment: *The plan should have given the criteria for determining when a water source has become "self-sustaining." It should be in quantifiable terms and include an adequate monitoring period. The NPS should consider additional guzzlers to mitigate existing development and any new NPS facilities.*

Response: The development of such criteria need to be given thoughtful consideration and involvement of professionals and the public. As such, they should be developed in the process of designing restoration plans for springs. The issues about loss of habitat elsewhere are good points that would be considered as part of the process of evaluating the use and need for water developments as proposed in the plan. The NPS would welcome partnerships to assist in maintaining any water development where data shows it to be needed. The proposed action does not suggest retaining any water development that is beneficial, but rather those that are shown to be necessary to replace lost or damaged natural sources. Placing water in the desert where none previously existed would attract and maintain unnatural populations of wildlife. This could result in other problems in the ecosystem, but at a minimum creates an "artificial" desert, rather than maintains a natural, self-sustaining desert ecosystem. It is not the NPS mission to create artificial populations of wildlife for visitor enjoyment.

Water Rights

Comment: *Formally acquire all remaining water rights to Amargosa River and to other watersheds that the Park is managing. Panamint Valley, Saline Valley and any other bordering water source must be formally appropriated for the Park.*

Response: The Park has no authority to acquire all remaining water rights to the Amargosa River. The Park is actively participating in the state's appropriation of water rights and intends to protect the federal reserved water right through this process.

Comment: *Acquire water rights when feasible.*

Response: The plan clearly states that water and its protection is an important issue. The Death Valley National Park staff will continue its ongoing work to inventory water features and associated biotic resources and will continue developing plans for their protection and restoration (if needed). The 1998 draft plan states on page 67 that inventory and monitoring of the Park's natural resources is important, and a comprehensive strategy would be developed through the Park's *Resource Management Plan*.

The Department of Energy is conducting a water audit parkwide.

The last statement on page 61 of the 1998 draft plan provides for the purchase of water rights. In addition, the discussion on page 84 indicates that the Park Service would seek funding to acquire the majority of private lands and interests based on priorities in the *Land Protection Plan* (appendix B).

Comment: The National Park Service has a federal reserved water right for all unappropriated water. These claims add to the over-appropriation of the Amargosa Valley hydrographic basin.

Response: The existence of all water rights and the quantity of water limits the availability of new water rights. The Park Service has, for several years, supported the development of technical tools to assist in analyzing impacts to water rights/water resources at Death Valley resulting from existing and proposed water development upgradient from the Park. The Park Service continues to support technical investigations by U.S. Geological Survey and others because information gaps remain in several areas. To this end, the Park Service initiated the annual Devils Hole Workshop, a forum for scientists and natural resource managers working on water related issues in the Death Valley Flow System and particularly the Devils Hole area to exchange information. The Park Service supports cooperative endeavors currently underway by the U.S. Geological Survey, U.S. Department of Energy, Nye County, and others for developing a regional model of the Death Valley Groundwater Flow System and other scientific information to improve understanding for the geohydrology of the system. However, completion of these endeavors, and others yet to be started, will take some time before enough data is available to improve upon current predictive capability. Additionally, the Park Service will pursue protection actions using available scientific information to determine potential for impact and, will continue to seek the collection of additional data through negotiated resolutions to water right permit protests.

Comment: Prevent appropriation of unappropriated water in the Park and assert the rights of the National Park Service to those waters as reserved property of the United States.

Response: Appropriation of water rights is a state-administered activity. Determination of whether new water rights may be appropriated is a process under state law in which the Park Service would be an active participant to ensure that the federal reserved water right is not diminished. The plan has been modified to indicate that NPS Management Policies require that all rights to the use of water diverted to or used on federal lands by permittees would be perfected in the name of the United States.

Comment: The National Park Service makes no distinction between public and private water rights, nor acknowledges state borders. Federally reserved water rights status does not exist. There is no authorization for the Park to protest water rights. This is expensive.

Response: Case law has established the doctrine of federal reserved water rights. The U.S. Supreme Court has found that when the government reserves land for specific purposes, it also expressly or impliedly reserves an amount of water necessary for the purpose of the reservation. Cases specifically related to federal reserved rights for National Park units are *Cappaert v. United States* and *Arizona v. California*. Because reserved rights are an application of Federal law, they may only be determined, i.e. quantified, as a result of a general adjudication according to the McCarran Amendment or by court action initiated by the United States.

Lands were reserved in Death Valley by the Congress and Executive Order. In addition to the reservation of federal lands for purposes of the California Desert Protection Act, lands were reserved in 1933 by Presidential Proclamation (Proc. 2028, 47 Stat. 2554) for creation of Death Valley National Monument for “the preservation of the unusual features of scenic, scientific, and educational interest therein contained.” The monument’s boundaries were expanded in 1937 to add areas of historic and scientific interest. In 1952, Devils Hole was added to Death Valley National Monument because “the said pool...is unusual among caverns...and...in this pool...a peculiar race of desert fish...which is found nowhere else in the

world, evolved only after the gradual drying of the Death Valley Lake System isolated this fish population from the original ancestral stock that in Pleistocene times was common to the entire region” (Proc. 2961, 66 Stat. C. 18, 17 Fed. Reg. 691).

Consistent with case law, the National Park Service considers these actions to have created reserved water rights for Death Valley National Park. These rights are for water, unappropriated at the time of the reservation, for the purposes for which lands within Death Valley were reserved and to the extent needed to accomplish the purpose of the reservation. The priority dates for these reserved rights are the dates of the reservations and are superior to the rights of later appropriators.

At Devils Hole, a detached unit of Death Valley, a decision by the U.S. Supreme Court in *Cappaert v. United States* determined that a federal reserved water right exists for the purpose of maintaining a water level sufficient to inundate the rock shelf on which the endangered Devils Hole pupfish spawn. In addition to Devils Hole, Death Valley National Monument was created to preserve unusual features of scenic, scientific, and educational interest. Springs and water-related resources are important features of the Park. Quantification of these other rights can only be accomplished through adjudication. If the United States is joined in an adjudication in California or Nevada, the Park Service will assert federal reserved rights for Death Valley, including rights for wilderness purposes. Congress reserved a federal water right for designated wilderness areas in section 706 of the California Desert Protection Act sufficient to fulfill the purposes of the act.

Comment: Direct impacts of National Park Service actions on water resources include loss of agricultural jobs, decrease in water available for other regional uses, increase cost of water rights acquisition, and increase in operational costs for local businesses. Indirect impacts of National Park Service actions on water resources include increase water costs, decreased tax revenues, decreases in long-term productivity of private lands, and exacerbation of groundwater overdraft in Pahrump Valley.

Response: Generally speaking, a planning document like the *Draft Environmental Impact Statement / General Management Plan* describes proposed actions and alternatives that are within the federal decision maker’s discretion to implement. With respect to water rights, there is very little discretion because the National Park Service is required by federal law to protect the water rights of the United States. The mandate to protect these rights is based upon Park-specific enabling legislation and general authorities as provided by the 1916 Organic Act, General Authorities Act of 1970, and NPS policy. The Park Service participates in California and Nevada administrative water rights proceedings to protect federal reserved, riparian, and appropriative rights established for Death Valley from injury by outside threats such as new appropriations for groundwater located upgradient of Park water sources. Through state administrative procedures, the Park Service seeks to protect both quantified and unquantified federal reserved rights. Actions taken by the Park Service have included filing protests to applications for permits to appropriate groundwater when it has determined that the effects of groundwater pumping under these applications would potentially impair Park water rights and resources. These actions follow the substantive administrative procedures for California and Nevada water rights. As the comments suggest, protests are often resolved, and administrative hearings avoided, through negotiated settlements.

It is not the intent of the Park Service to impede the legitimate goals of applicants for groundwater, as was suggested in some of the comments. It is, however, the intent of Park Service to fully protect the water resources of Death Valley and the resource attributes that are dependent upon or related to those water resources.

In Nevada, for example, the Park Service has protested many applications for groundwater rights on the grounds that, if approved, the appropriations would impair the Park Service’s senior state appropriative and federal reserved water rights if flows from Death Valley’s springs or spring complexes and Devils

Hole, which are discharge areas for regional-groundwater flow systems, are reduced or eliminated and biological resources impaired as a result of upgradient groundwater withdrawals. In most instances involving a determination of impacts due to the proposed withdrawal of groundwater, the National Park Service's understanding of the geohydrology may be no better, nor worse, than that of applicants who seek to appropriate groundwater. However, the Park Service has negotiated settlements (for example, with Department of Energy, and Barrick Bullfrog, Inc.) and achieved cooperative solutions to such protests by having the issued Permits to Appropriate the Public Waters of the State of Nevada conditioned upon the establishment and operation of monitoring programs designed to identify potential impacts at Death Valley. The monitoring programs are structured in such a way that impact shall be identified at a time and location sufficient to allow for the mitigation and/or remediation of any projected impact to Death Valley. The National Park Service believes that having this information benefits both the Park Service and Nye County.

Comment: The public should be aware that table B-4 (Water Rights) in the "Land Protection Plan" is for information only and that it does not necessarily reflect all appropriated water rights, including those privately held within the Park.

Response: The table has been clarified to indicate that the information contained in it may not reflect every water right that may exist in the Park. It is simply a list of those rights recorded with the California State Water Resources Control Board. Many other valid rights may exist and the Park will be working in conjunction with the NPS Water Resources Division to try and accumulate records for all water rights.

Comment: Roy Hunter and other water rights owners' records are not listed. They are not aware that they have to file with the state. Has Nevada been made aware that their rights along the Nevada drainage may be affected?

Response: The water rights listed are those that the NPS has been able to locate to date. The National Park Service will work with interested parties to update the list.

Sensitive Species

Bighorn Sheep

Comment: The desert bighorn sheep population in the Park is unstable and should receive greater protection.

Response: The Park has studied bighorn sheep in the old monument in cooperation with University of Nevada at Las Vegas for the last 25 years. Different census techniques have been used over the past several decades to develop populations for sheep in different parts of the old monument. Unfortunately, the use of these different techniques has made the accurate assessment of population trend problematic. We agree that bighorn sheep management in the Park deserves significant attention.

Comment: The long-range plan, which considers the individual bighorn populations as parts of the greater metapopulations, is still valid. Metapopulations don't recognize Park boundaries.

Response: We agree with the philosophy that all of the federal land management agencies should work together in a coordinated manner to protect the desert's sheep herds. The Park would seek the expertise of CDF&G biologists and others in determining appropriate management of this unique desert species as a component of the entire desert ecosystem that the Park Service is charged with managing.

Desert Tortoise

Comment: The draft plan is deficient in disclosing activities proposed that will contribute to recovery of listed species (desert tortoise). Bring together a task group of responsible agencies and desert tortoise specialists to devise management prescriptions.

Response: Tables C-3 and C-4 in appendix C of the plan do identify some known threats to sensitive species. For listed species with habitat in the Park, specific actions are being pursued. A conservation plan for the Eureka Dunes area is being prepared in consultation with the U.S. Fish and Wildlife Service that will provide proper management and protections for the sensitive plants in that area. Park staff has actively pursued numerous actions for years to protect the Devils Hole pupfish, including regular fish counts and monitoring of water. The area is fenced and closed to public access. The Park actively seeks to protect the endangered fish from groundwater drawdowns.

Regarding the desert tortoise, no critical habitat has been formally designated within Death Valley National Park by the U.S. Fish and Wildlife Service. Historical sightings have been rare. In 1998 the resources management staff conducted surveys for desert tortoise and discovered only limited number of animals parkwide. In Greenwater Valley, suitable habitat was found to occur and some historic use was indicated. Human activities in Greenwater Valley area are very light and road access is very limited. The entire area outside of the limited dirt road access is designated wilderness. If and when additional information of desert tortoise's presence within the Park are found by Park staff or others and it is found that additional protection is warranted, appropriate actions would be taken. Grazing does not occur within any desert tortoise habitat in Death Valley National Park. Active mining activity is also absent from areas where tortoises are known to occur.

Comment: The plan needs to at least consider, if not adopt, an alternative that restricts motor vehicle use on roads in areas where tortoise populations are most prevalent in Death Valley. These closures don't have to be permanent; they can be seasonal.

Response: Historical sightings have been rare. In Greenwater Valley, suitable tortoise habitat is present and some historic use has been documented. Human activities in Greenwater Valley area are very light and road access is very limited. Visitor use of the roads in the valley is relatively light, and the unmaintained nature of the road normally prevents high-speed travel by vehicles. If the Park staff documents vehicle mortality in the valley, a variety of mitigation measures could be implemented, including tortoise signing, stricter enforcement of speed limits, etc.

Comment: The Greenwater Valley tortoise population is the densest in the Park and is free of upper respiratory tract disease (URTD).

Response: We believe that the habitat in Greenwater Valley is well protected for the desert tortoise and other species due to wilderness, its Park status, lack of grazing, no feral burros, lack of mining, lack of hunting, low visitor use, and minimal road access. We know of no evidence to suggest that the three roads that access the Black Mountains from the Greenwater Valley Road pose any real threat to the tortoise. While the tortoise density in Greenwater Valley may be greater than other areas of the Park, the overall density is still low relative to other areas of the Mojave Desert.

Sensitive Bird Species

Comment: The statement on page 126 that "there is no critical habitat located within Death Valley for either subspecies" is false. There is habitat when the vireo is breeding and when the flycatcher is migrating.

Response: The term “critical habitat” was used in the plan in the context as it relates to a formal designation by the U.S. Fish and Wildlife Service. There is no designated USFWS critical habitat in Death Valley for the two bird species mentioned. Your comment is correct in that riparian and wetland habitats are essential/critical to migrating birds.

Park staff have conducted an evaluation of the water collection management practices since the event you reference, and significant disturbance of the wetland where the birds were found has not occurred during the three years. The same lack of activity also applies to vegetation control/management.

Comment: The section on riparian-dependent bird species exemplifies why all riparian areas need to be identified in this plan, so that available habitat can be identified for these sensitive birds.

Response: Wetland areas have been mapped for the Park as part of a wetland inventory, but riparian area maps for the Park are still lacking. Vegetation maps for site-specific areas are currently being prepared will also have riparian areas mapped that will aid in the protection of resource values.

Unique Plant Assemblages

Comment: There is a lack of identification of unique plant assemblages as in BLM’s 1980 desert plan. They should be identified on a map.

Response: The unique plant assemblage at Eureka Dunes would be dealt with in the management plan currently being prepared by the Park in consultation with the U.S. Fish and Wildlife Service.

Page 64 of the 1998 draft plan addresses protection of sensitive species and habitats. Commitments are made to map the distribution of unique and sensitive plant and animals and to take protective measures where necessary, including limiting public access. Specific measures would be determined through the resource management plan or site-specific activity plan. The Park asked that USGS map unique plant assemblages during the development of the Mojave Desert vegetation map currently under preparation.

Eureka Dunes

Comment: Alternative 1 fails to discuss the impacts of recreational activities on Eureka Dunes. Adopt a stringent policy regulating sandboarding, sand skiing, horseback riding, and camping to protect endangered and threatened flora.

Response: The proposed action (page 64 of the 1998 draft plan) recognizes the issue of speculative recreational impacts to sensitive species at the dunes. The Park is presently developing a management plan for the Eureka Dunes vicinity in consultation with the U.S. Fish and Wildlife Service and is actively monitoring the recreational use of the dunes. The National Park Service is fully committed to the protection of sensitive flora. As previously stated, this type of detailed site management strategy is appropriate in an activity level plan, not in the general management plan.

Comment: The Eureka Dunes are not described as a unique plant community in the plan. Include details of conservation strategy being developed by the National Park Service and the U.S. Fish and Wildlife Service.

Response: The unique plant assemblage at Eureka Dunes would be dealt with in the management plan currently being prepared by the Park in consultation with the U.S. Fish and Wildlife Service.

Page 64 of the 1998 draft plan addresses protection of sensitive species and habitats. Commitments are made to map the distribution of unique and sensitive plant and animals and to take protective measures where necessary, including limiting public access. Specific measures would be determined through the resource management plan or site-specific activity plan. The Park asked that USGS map unique plant assemblages during the development of the Mojave Desert vegetation map currently under preparation.

Miscellaneous

Comment: The statement on page 37 that implementation of alternative 1 will increase the level of protection for fragile or sensitive resources is unsubstantiated. Only species identified for conservation in alternative 1 are federally listed or proposed species.

Response: The proposed action proposes to remove burros, manage grazing and mining, protect wilderness (95% of the Park) and protect sensitive species. Alternative 1's sensitive species section elaborates on commitments being made to sensitive species protection at this general management planning level. The Park has worked actively for years to inventory and map species distribution and identify threats to sensitive species. Where threats are identified, the Park uses a variety of management actions to reduce or eliminate the threats. Probably the best example is the Devils Hole pupfish that the Park Service has been aggressively protecting from groundwater overpumping for nearly 30 years. Protection of this species and the aquifer that sustains the pupfish helps to protect numerous water-dependent species in the Park and the Ash Meadows area. The Park Service has a preservation mandate and both the agency and the Park have an excellent track record of protecting the resources.

Comment: Protect and perpetuate natural distribution and abundance of all native species in the same manner as promoting conservation of federally listed or proposed species.

Response: This is our mission and it is stated as such in the draft plan. This section on page 64 of the 1998 draft plan is specific to sensitive species.

Protection of all resources is inherent in our regulations and in our daily management activities. Threats to Park resources are routinely identified, management solutions proposed and funding sought. Most of our staff activities are directed at resource preservation, whether it's maintenance, law enforcement, resource management, or interpretation. All of these activities are directed at identifying threats and taking corrective action.

Comment: The Ash Meadows Recovery Plan section of the Species and Habitats of Special Consideration section is confusing. If species do not occur in the planning area, mentioning them in text here without reference to appendix C is disconcerting.

Response: In reviewing the section on Ash Meadows in the "Affected Environment" section of the 1998 draft plan (pages 124–126) we cannot determine the source of confusion. The section explains why these species are included in this document, and generally which ones occur on NPS land at Devils Hole.

The tables in appendix C include the entire Northern and Eastern Mojave planning area, although columns indicate the known occurrences within Death Valley, Mojave, and BLM lands. The occurrence information seems to confirm the information you have provided for these four species.

*Comment: Nevada State endangered species are overlooked, such as *ferocactus cylindraceus* var. *lecontei* and *sclerocactus polyancistrus* are protected cacti (CY).*

Response: All native plants and animals including the above are protected by NPS regulations.

Comment: The rest of the sensitive plant species in appendix D, table D-2, should be specifically discussed in the text by species. Actions to preserve rare species integrity are mandatory. Threats are not discussed.

Response: This section has been modified to provide clarification of the Park's commitment to protection of all sensitive species.

Comment: Pets should be kept on a leash. Killing of native species by people's pets is not acceptable.

Response: NPS regulations require pets to be on a leash.

Introduced Species

Burros

Direct Reduction

Comment: Burro and horse removal should be completed to the extent possible. Direct reduction to the zero level is not reasonable. Use water trapping and round ups. Wild burros should be placed in the BLM Wild Horse and Burro Adoption Program or with animal protection groups.

Response: The Park goal is to achieve a wild horse and burro population of zero animals. This has been the same goal used successfully in other NPS units such as Grand Canyon National Park and Organ Pipe Cactus National Monument. The Park understands that management of these populations is a long-term prospect, especially with populations on neighboring lands. We will work closely with the Bureau of Land Management to ensure that trespass is minimized and the Park populations are maintained at near zero. Mojave's excessive burro population and existence of numerous corrals and developed water sources provides opportunities for capture operations that may not work as well in Death Valley. However, the Park is open to trying any method that would successfully capture burros and reduce the cost of the program.

The preference of adoption sources is noted. The National Park Service will employ a three-phased burro control program, and phase three will rely on a variety of control measures including roundups and direct reduction. It should be noted that when this approach was used in the old monument during the 1980s, 90% or more of the burros that were present were live captured before the direct reduction technique was initiated. Because of the number of burros that must be captured and placed for adoption throughout the desert, a variety of options must remain available that can place captured burros. The Park Service does not contract for placement without assurances for humane treatment and no selling to slaughterhouses.

Comment: The National Park Service should not shoot burros, which are federally protected animals, that stray across BLM/Park boundaries after this 5-year moratorium.

Response: Previous experience at Death Valley and ongoing capture operations at Mojave indicate that the prospect of retrieving the majority of the animals using live capture techniques during phases I and II is high. Bureau of Land Management has agreed to work with the Parks to minimize trespass onto Park lands. Fencing would be considered to prevent recurring trespass issues where herds are maintained on adjacent BLM lands.

Adjacent BLM HMAs

Comment: Total burro eradication is doubtful because of trespass burros from BLM lands.

Response: In Death Valley, we are very concerned about long-term management issues with adjacent BLM herd management areas. We have no disagreement with the Bureau of Land Management over their management of public lands to meet their agency mission and to achieve compliance with laws they are mandated to meet. However, we are concerned about actions that may cause impacts on Park resources or that cause the Park to spend public funds to protect the Park against their management actions. We have strongly expressed this concern to the Bureau of Land Management and they have agreed to work with us to develop strategies to prevent trespass issues, which might include fencing of some areas. We will work to achieve and maintain the zero burro population goal in the Park with the minimum expenditure of Park funds over the long-term.

Damage to Environment

Comment: *Provide evidence of burros befouling waterholes by trampling and defecation, and attacking bighorn and driving them out of some ranges.*

Response: A number of scientific studies have documented that burros damage the environment. NPS policies clearly call for the animals to be removed because they are nonnative. While cattle may cause similar impacts, cattle grazing is an activity that Congress allowed to continue. Cattle numbers would be managed and measures taken to minimize effects on Park resources. The scenario that burros attack bighorn sheep is doubtful. Several published journal articles have documented that burros affect sheep through a variety of mechanisms, including competition. This form of interaction is more subtle than outright aggression, but does have effects that relate to the quality of habitat that are available to bighorn sheep.

Burro Removal Program

Comment: *There is no reason to delay any longer the implementation of an aggressive burro removal program.*

Response: Funding is the only issue that has been standing in the way of burro removal. Costing upwards of \$1200 per animal, getting this program underway with internal Park funding competes with other priorities, such as Eureka Dunes management plan. Removal of burros in the newly added lands began the first week of March 1999, with 190 burros rounded up. In fiscal year 2000, an additional 197 burros were removed. Given logistics, funds, and adoption markets, the National Park Service believes the three to five year program is the most effective and efficient.

Comment: *\$450,000 should be reapportioned from the \$7,000,000 for the building of swimming pools and new RV pads to remove these animals humanely and to extend the deadline.*

Response: The National Park Service is aware of no plan for the use of \$7,000,000 for swimming pools and RV pads. None of the projected cost estimates are currently funded. Appropriations for these two activities would not come from the same funding allocation. The Park is specifically prohibited from reallocating funds from one source to another.

Because of the burro's high reproductive rate, it is important to quickly remove them from the Park to reduce resource damage. Extending the number of years to accomplish this task would only exacerbate the problem and increase the costs. For instance, approximately eighty animals would have to be removed per year just to keep up with the population growth.

Interim Agreements with BLM

Comment: *The National Park Service has an existing agreement with the Bureau of Land Management regarding burro removal policy on the new lands.*

Response: The 1992 agreement was signed before the new lands were added to Death Valley. The agreement now extends to the new lands and is reviewed with the Bureau of Land Management as needed.

A letter of agreement with the Bureau of Land Management was signed shortly after the passage of the California Desert Protection Act. This agreement provides for the National Park Service to maintain the burro populations at the previous BLM herd management levels until a new management plan is in place.

Living History

Comment: *The burro is a living historic object.*

Response: The burro as a component of mining history would be addressed through interpretive materials. However, the burro as a free roaming component of the natural environment does not represent the historic use of the animal as a beast of burden. Having a burro as a component of a living history exhibition loaded with saddlebags carrying a prospector's supplies may be an appropriate interpretation of the history of the burro.

Population

Comment: *Removal strategies need to exceed the burro's reproductive rate of 18% to 20% a year.*

Response: The alternative 1 section dealing with burro management has been expanded in response to your comment. The no burro strategy has been clarified to include wild horses, if encountered. It now also includes a maximum three-year capture strategy for phase one and the option to have phases running concurrently in different parts of the Park. For instance, the old Monument lands have been in phase two for several years. The Park also maintains the option of implementing phase three there if live captures do not succeed in reducing the populations. As captures in the new lands proceed, a particular area of the Park, such as Saline Valley, could be placed in phase two or three separate from the rest of the Park. The removal phases have also been modified to clarify that phases one and two must result in adequate removals each year to reduce the populations substantially in the area being targeted. If phase one proves unsuccessful in year one and only results in removing the population growth, the NPS would move to phases two and three as needed to achieve the desired results.

Tamarisk

Use of Herbicides

Comment: *Use of dangerous herbicides for tamarisk removal should be prohibited.*

Response: Successful control of tamarisk has been demonstrated in numerous projects throughout the southwest. We are unaware of any methods that do not use herbicides. Only authorized herbicides would be used in tamarisk control efforts. Such herbicides are non-persistent, nontoxic to aquatic life and are used in accordance with accepted management practices and proper dosages.

Eradication of Old Trees in Campgrounds

Comment: *Include athel in eradication program.*

Response: NPS policy is to eradicate exotic species when control is prudent and feasible. Except under the most unusual circumstances (e.g. historic landscape restoration at Scotty's Castle), exotic species would not be used for landscaping in the Park. However, where old trees have been in place for many years, such as at Stovepipe Wells and Furnace Creek, old individual exotic plants will be reviewed on a case-by-case basis. They will not be replaced by exotics.

Recent plantings of athel tamarisk trees in a campground have been removed.

Remove Only Some Trees Each Year

Comment: *Have a leapfrog method for tamarisk removal because wildlife use it for shade, cover, and food. Do not allow native mesquite to be removed during exotics eradication process.*

Response: Tamarisk would not be removed during bird breeding seasons. A leapfrog removal technique does not work well for the invasive species of tamarisk. Each tree produces thousands of wind-borne seeds. Leaving trees behind would encourage seedlings to sprout in the cleared area. Clearing the entire area of tamarisk has been shown to be a more effective way of controlling this species. The Park would strive to minimize disturbance to native species during the removals of tamarisk.

Miscellaneous

Comment: *Exotic mammals were discussed but not birds. There are three species of exotic birds — rock dove, European starling, and house sparrow.*

Response: The list of exotics was not intended to be exhaustive. Other exotic plants, mammals, and birds occur within the Park. The management philosophy regarding exotics is presented on page 65 and 66 of the 1998 draft plan.

Species Restoration

Comment: *Identify those species being considered for restoration.*

Response: Reintroduction of formerly extant species in the Park is not planned at this time and none have been identified. Restoration of habitats such as the mesquite-willow community in the bottom of Furnace Creek Wash near the Park headquarters do have the potential to encourage the re-colonization of site-specific areas where some species may have been absent.

Fire Management

Comment: *The fire management discussion needs to mention its application within wilderness.*

Response: The proposed action section on fire management has been expanded.

Inventorying and Monitoring

Comment: Need baseline surveys of sensitive species and annual inspection plans so that natural fluctuations on populations can be understood and impacts from outside sources identified and dealt with.

Response: We believe that the NPS management of one of the most sensitive species in Death Valley, if not on earth, the Devils Hole pupfish, demonstrates our commitment to baseline inventory and annual monitoring. We have an extensive database on the pupfish and are constantly monitoring the population and water level. Baseline surveys of other sensitive species is also occurring and will continue.

Comment: Disturbed land restoration is an important component of the plan, along with scientific research and inventorying and monitoring. The plan does not fully disclose, or identify levels of funding associated with measures to protect, preserve, or enhance fish, wildlife, or plant resources of their habitats. There is no funding for inventorying and monitoring.

Response: Funding for resource management issues is usually allocated on a yearly basis through internal Park programs. Each year every park competes for these funds. Sometimes requests are made for financial assistance from Congress via line item appropriations. Other than the Park's base budget it presently has no funding identified for inventorying and monitoring activities. There is a probability that all NPS units will receive funding for inventory and monitoring activities beginning in the year 2000 or 2001. Park staff hope these allocations are forthcoming, and will move aggressively forward with enhanced inventory activities as the funding becomes available.

Comment: The draft plan is deficient in describing programs regarding inventorying and monitoring. There is no real commitment to performing necessary inventorying and monitoring.

Response: The National Park Service recognizes, as stated on page 67 of the 1998 draft plan, the importance of an inventorying and monitoring program. 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 2000 or 2001, and all NPS units would be allowed to submit proposals requesting funding.

Comment: If Resource Management Plan and Natural and Cultural Resource Management Plan have general guidelines that accomplish the requirements of ecosystem/habitat inventory and monitoring, put it in this plan.

Response: The *Resource Management Plan* (RMP), including both cultural and natural resources, was prepared in 1980 and needs to be updated. The RMP states the resource issues and ranks them according to funding priority. This list is updated every year.

Development of a comprehensive inventory and monitoring program of the Park's resources is a firm commitment made in the proposed action on page 67 of the 1998 draft plan. The development of this program will take some real work and consultation with experts. In the meantime, the Park has not and is not ignoring its responsibilities as implied in your comments. Park staff have done a remarkable job given the limited budget increases that have been received despite the immense size of the Park. While it is true that the Park has a ways to go in the development of a consistent thorough information baseline, a tremendous amount of information has been gathered for years on Park resources. We are also committed to continuing efforts to monitor threats from outside sources as identified in the proposed action.

The Park Service as a whole has attempted at least two recent major budgetary efforts to get support for consistent baseline inventory and monitoring of Park resources. In the FY 2000 budget proposal there is

another attempt to get funding for a “vital signs” program. These efforts are complex and expensive. The “Inventorying and Monitoring Plan” you provided from Organ Pipe was from one of ten parks selected to be the prototype programs for other parks within the NPS system. Other parks are not yet funded for this type of effort.

Death Valley is also a major player in an effort that looks promising for desertwide interagency ecological monitoring in the FY 01 budget. However, this is only a small piece of what is needed. The Park will continue to pursue various avenues to get a comprehensive resource-monitoring program in place and would welcome participation in its development.

The “Plan Implementation” section of the 1998 draft plan does list an increase of 37 staff and \$1.7 million in budget, which includes positions and funding for resource management and protection.

Comment: “Inventorying and Monitoring” should include monitoring and research needs, prioritization and timeframes for inventorying and monitoring. Specific monitoring prescriptions should be discussed.

Response: A general management plan is not the appropriate document for specific details, such as an inventorying and monitoring program. Gathering and analyzing the necessary data for each separate aspect of the Park management programs identified in a general management plan is simply not possible given the level of detail necessary in inventory and monitoring plans.

The existing management alternative has been modified to include some of the specific resource inventory and monitoring programs that are in place.

Comment: A reactive proposal of looking at “sensitive habitats” is not sufficient to give future generations a chance to encounter what we consider natural.

Resource protection is the mission of the National Park Service and is stated throughout the document. Pages 59–67 of the 1998 draft plan specifically lay out the protection strategy proposed for natural resources at Death Valley. A portion of one page addressed sensitive species. For example:

- Within the draft plan it is mentioned that the Park has ongoing programs to monitor and protect its air and water.
- Monitoring occurs on invasive species.
- The Park has an ongoing program that monitors the Devils Hole water and pupfish.
- 95% of the Park is now wilderness and as a result, many areas are limited to foot and horse access and resources protected from offroad vehicles.

Comment: The plan is deficient in disclosing activities proposed that will contribute to recovery of listed species (desert tortoise). Bring together a task group of responsible agencies and desert tortoise specialists to devise management prescriptions.

Response: The interpretive themes identified on page 31 of the 1998 draft plan provide the framework for developing the interpretive materials and messages. These themes are the key elements that we believe the public should understand about Death Valley and they appear to also represent the diversity of habitats and visitor experiences that you believe are important to convey. Pages 69–72 of the 1998 draft plan also lay out the Park’s program for interpretation and visitor services. These portions of the plan clearly identify a strategy to communicate more to the public than just the idea that Death Valley is hot. The natural and cultural features within the deserts of the United States are showcased by national park units

such as Death Valley, Mojave, Joshua Tree, and Lake Mead. The mission of these units is to protect natural and cultural resources for the enjoyment of this and future generations.

Miscellaneous

Comment: There is a lack of vegetation data. No comprehensive overview of vegetation resources, including vegetation communities, in the Park are presented or referred to in the plan.

Response: The *General Management Plan* is not intended to be a detailed, comprehensive plan. Issues and concerns to be considered in the *General Management Plan* were gathered during scoping in 1995 and 1996. Issues did not focus on vegetation, soils and wildlife in general, but rather on specific sensitive species or habitats. In addition, exotic or alien species were also a concern.

However, this does not mean that the Park ignores these resources. In fact, considerable data has been gathered over the years on the Park's vegetation and wildlife resources by Park staff, researchers, students, and groups. Recently, an effort was undertaken to prepare a comprehensive vegetation map for the entire Mojave Desert, including most of Death Valley. The U.S. Geological Survey's Biological Resources Division has been conducting this work and reports and maps are now being finalized and should be available for the Park's use in the near future.

On page 22 of the draft plan is a brief overview of Death Valley's vegetation.

Comment: Restoring the preserve to its pre-Columbian state seems ludicrous. The area cannot be completely restored with cattle grazing still occurring. The need for restoration of vegetation and water is not strongly presented in plan.

Response: The NPS goal is to reestablish conditions that allow the ecosystem to function naturally without interference from human activities, as much as possible. We are not choosing a time period so much as working to prevent nonnative species from taking over and altering the ecosystem and out-competing native species. Where native species have been extirpated due to human causes, we will work to restore these populations. It is not our goal to "freeze" the environment in its current state, but rather allow it to function and evolve as a natural, self-sustaining ecosystem where native species thrive.

Comment: Animals belong to states and are not under exclusive jurisdiction of Death Valley.

Response: Wildlife that roam into and out of the Park are clearly under the jurisdiction of both the state and the Park Service. However, Congress clearly provided the National Park Service with a mandate in the 1916 Organic Act, by directing the Park Service to preserve the wildlife and other resources. They also reiterated in the California Desert Protection Act the mandate to preserve wildlife by affording the new Park full recognition and statutory protection as a national park. The National Park Service has long recognized the state's role in wildlife management and entered into an agreement with California in 1971 for purposes of cooperation.

Comment: The purpose of the Park is to preserve plants and animals, not to increase visitors. So what if remote guzzlers offend people.

Response: In section 2 of the California Desert Protection Act Congress specifically declares it to be their policy that specified lands in the California desert shall be included in the national park system and Wilderness Preservation System in order to: "preserve... wildlife values associated with unique natural landscapes, and "perpetuate in their natural state significant and diverse ecosystems..." The NPS mission is consistent with the state goal of preserving wildlife populations. However, it is also important to ensure

that management actions do not artificially enhance populations of one species over any other. Achieving a natural ecosystem that is self-sustaining is a long-term goal. We also recognize that human influences, historic uses, and the size of the Park in relation of the range of some species, create several challenges to achieving that goal.

Decisions regarding guzzlers in wilderness need to be made considering the health of wildlife populations and mandates of wilderness law and policy. Whether they are offensive to visitors who may encounter them is not a consideration.

Comment: What measures are thought necessary to protect a geological resource and what is actually a geological resource? The lack of details could permit abuse of discretionary power by arbitrarily closing vast areas.

Response: The Park would continue to use the same methods it has used since its establishment in 1933 to protect geological resources. Closing “vast areas of the Park” is not suggested by the draft plan nor has it ever been considered as an option by the National Park Service.

CULTURAL RESOURCES

Comment: Protection and research of the archeological resources of the Park is inadequately addressed in contrast to natural resources.

Response: We believe the proposed action in the draft plan describes a well thought out and comprehensive strategy for cultural resources management in an appropriate degree of detail for a general management plan. In addition, the “Affected Environment” of the draft plan devotes almost twenty pages to the description of cultural resources. Archeological resources are well protected by law and regulations that required specific consideration and mitigation for any projects that may affect them. Detailed management programs would be identified in the resource management plan.

Comment: Death Valley should protect archeological, cultural, and historic resources within the Park. The Park should place necessary restrictions on access needed to assist in preservation efforts.

Response: The goals of protecting all Park resources are clearly stated in the plan.

Comment: Do not transfer art and museum quality items at Scotty’s Castle to other locations where they can’t be viewed by visitors. Keep them at Scotty’s.

Response: Not all of the historical artifacts are on public display. Items are shown to the public for their education and enjoyment. Art and museum quality items are rare and extremely valuable. They must be stored in the most secure, not necessarily the most convenient, locations possible.

Comment: There are no details on what measures are necessary to protect paleontological resources and there is no definition of paleontological resources.

Response: The plan states that more information on paleontological resources is needed and from this new information better strategies may be developed for protection, management, and interpretation of these resources. Paleontological resources are defined by academia and a definition is unnecessary in this document. Some general protective measures are identified in the plan, but specifics would have to be determined on a case-by-case basis.

NATIVE AMERICAN INTERESTS

Comment: *Death Valley failed to consult with descendants of Native Americans who resided in Panamint, Saline, and Darwin regions and who now reside in Lone Pine and Big Pine. What about the Kawaiisu tribe?*

Response: The National Park Service consulted with Native American tribal governments that were determined to be potentially affected by the proposed action. Letters inviting participation in the planning effort and an opportunity to meet with other tribal leaders and the planning team were sent to fourteen tribal addresses in mid 1997.

Comment: *No significant effort was made to establish a partnership with the Timbisha as a tribal nation. Have expanded collaborative efforts with the Timbisha regarding establishment of tribal rights to a reservation and/or concession rights near Death Valley.*

Response: The Park has been working with the Timbisha Shoshone Tribe for the last five years on the land suitability study required by the California Desert Protection Act. The draft study is complete and has been compiled as "The Timbisha Shoshone Homeland (1999)." The planning team that prepared the general management plan met with representatives of the tribe on at least three occasions during the plan development. The tribe's energy and attention was primarily devoted to the land suitability study. The general management plan does call for communication with the Tribe and development of protocols and agreements. The Park is very willing to work with the Tribe. The Park is developing a close working partnership with the Timbisha.

Comment: *There has been no final resolution on tribal lands and there are no interior guidelines regarding pinyon nut harvesting by Native Americans.*

Response: The Timbisha land suitability study, directed by the California Desert Protection Act, is a separate and distinct plan that has been under development and negotiations for four years. It is now being evaluated under the National Environmental Policy Act.

Comment: *What is Death Valley's policy on casinos?*

Response: As of this date, the Timbisha Shoshone Tribe has no land within Death Valley National Park. Should the tribe obtain land within the Park, the Park, as it does now, opposes having a casino within a national park.

Comment: *Sacred sites and trust resources should be listed before taking action.*

Response: Such sites are not presented in a public document.

Comment: *In January 1998 the Timbisha Shoshone Tribe returned to the negotiation table with the National Park Service and the Bureau of Land Management to produce a report of recommendations for a land base for the Timbisha Tribe within their ancestral homelands. The report responds to the California Desert Protection Act 705(b) of 1994 which calls for the Secretary of the Interior, in consultation with the lands suitable for a reservation within and outside the boundaries of Death Valley National Park. For the first time, government to government consultation has occurred between the Tribe and the United States.*

Response: The National Park Service fully supports the recent draft report and will work with the Timbisha Shoshone Tribe and other agencies to accomplish the provisions of the report.

Comment: P. 46 (Native American Access): The text of section 705 of the California Desert Protection Act should be stated on page 46 (Native American Access) so that the full meaning of access is understood (the page number of the California Desert Protection Act in appendix A could be cited).

Response: The text has been modified as suggested and a citation to appendix A has been included.

Comment: The Timbisha Shoshone Tribe should be consulted with for archeological survey of at-risk areas. Many of the Tribe's traditional cultural properties may be "at risk."

Response: The Park focused "At-Risk" emphasis of this particular study on areas of high Park visitor use where there were noticeable impacts on both historical and archeological features. We did not consult with the Tribe on this project to determine if there were additional sites that they wanted us to look at, primarily because of lack of money and time to look at all "At-Risk" areas. The Tribe's suggestion will definitely be part of an NPS/Timbisha Shoshone MOU agreement regarding shared management of traditional cultural and natural resource areas.

Comment: Consultation with the Timbisha Shoshone Tribe should include an inventory of archeological and ethnographic resources along the Eureka-Saline corridor to determine if roadside camping adversely affects resources.

Response: The Park would consult with the Timbisha Shoshone Tribe for assistance in determining these effects.

Comment: Explain the background behind the permit between the National Park Service and the Tribe for use of the village site.

Response: Again, this document cannot judge or correct past activities. Suffice to say that federal laws would not permit the National Park Service to allow anyone to live inside the Park on federal land without a permit.

Comment: Avoid any expansion of developed Indian lands within the Park arranging for this to take place outside the Park.

Response: The Timbisha Land Suitability Study, directed by the California Desert Protection Act, provides that the study would be conducted both inside and outside the Park. This is a separate and distinct plan that has resulted in "The Timbisha Shoshone Homeland (1999)." It is now being evaluated under NEPA and will soon be released for public involvement.

VISITOR USE, SERVICES AND FACILITIES

Interpretation

Interpretive Themes

Comment: Death Valley should present to people values of deserts and positive contributions that deserts make to both people and natural environments.

Response: Interpretive themes provide the framework for developing the interpretive materials and messages. These themes would be developed in a comprehensive interpretive plan. These themes are the

key elements that we believe the public should understand about Death Valley and they appear to also represent the diversity of habitats and visitor experiences that you believe are important to convey. Pages 69–72 of the 1998 draft plan lay out the Park’s program for interpretation and visitor services. These portions of the plan clearly identify a strategy to communicate more to the public than just the idea that Death Valley is hot. The natural and cultural features within the deserts of the United States are showcased by national park units such as Death Valley, Mojave, Joshua Tree, and Lake Mead. The mission of these units is to protect natural and cultural resources for the enjoyment of this and future generations.

Comment: The National Park Service should work with private entities on several projects that could be of mutual concern. No alternative has been suggested to cooperatively publish materials at lowered cost.

Response: The Park actively cooperates with private industry in providing information about the Park. The Park would be glad to hear your suggestion on how to save publishing costs.

Comment: The interpretation section must include the part humans in recent time, mining, and Pacific Borax played in Death Valley.

Response: The extent and diversity of minerals and their exploitation are definitely an important aspect of the Death Valley story. These stories are recognized in the plan’s purpose and significance statements and interpretive themes. Mining stories are currently being told in many of the interpretive exhibits throughout the Park. You have not indicated what you believe should be included in the proposed action regarding minerals as an element of the management plan. We believe that management of the mineral resource is dealt with through the regulation of mining, which is addressed in the plan. We also don’t feel that minerals are a component of the environment that meets the criteria for inclusion in the “Affected Environment” section of the plan.

Community Outreach and Education

Comment: The interpretation section is acceptable but an educational outreach program for surrounding communities should be included.

Response: We agree that community outreach is an extremely important aspect of the Park interpretive program. A paragraph has been added emphasizing the need for the Park to continually increase efforts to improve educational outreach in the surrounding communities. In fiscal year 2000, the Park will hire an educational outreach ranger to develop and present programs outside of the Park.

Visitor Use

Comment: The National Park Service must develop a general management plan with both current and future conditions in mind. Include an analysis of current and projected levels of visitation and use. The plan assumes that current carrying capacity is low–moderate for most areas.

Response: The Park Service believes that the proposed approach of establishing desired future conditions for resources and visitor use based on the land management objectives is a preferred approach to setting visitor use limits. However, we recognize that in some areas, limits may need to be established. Setting carrying capacities in structures, such as Scotty’s Castle, has been done and is generally accepted by the public as necessary and useful. However, when applied to outside areas, acceptance is often more difficult to obtain and enforce. Instead, measures are often taken by the Park Service to educate the public with displays or brochures, or to control impacts through use of parking lots (which can limit use), boardwalks

or other walkways, barriers and handrails, or other resource protection strategies. At Saline Valley Warm Springs, the concept of setting limits on use has been raised and should be addressed in the site management plan for the area. Specific data on visitor use and resource impacts needs to be gathered and options for controlling impacts evaluated. The National Park Service has established group size limits for backcountry/wilderness areas and a volunteer permit system.

Comment: Data on visitor trends from the United States, from California, and from foreign countries was not presented in a compatible format. The next version of the plan should provide a better-structured analysis of this data.

Response: Data from visitor surveys and visitor use statistics was used in this planning effort but there was too much detailed information to place within this document. Additional information on visitor use statistics can be obtained through the Park fee collection office or at the NPS website. Copies of the visitor studies can be obtained through the University of Idaho Cooperative Park Studies Unit, College of Forestry, Wildlife and Range Sciences, Moscow, Idaho, 83843.

Comment: What are the impacts from the 49er encampment?

Response: The 49er encampment was not raised as a planning issue in the scoping phase of this planning effort and is not considered within this plan. Attendance to this event has been gradually decreasing over recent years. The Park staff reviews proposed events to determine the appropriateness and potential impacts to Park resources, both natural, cultural and administrative. The number of events will vary from year to year. The 49ers have been a supporting organization for the Park, increasing the awareness and appreciation of the history and resources of Death Valley. Park administration always has the authority to discontinue this event if the tangible and intangible benefits from this event are outweighed by the impacts upon Park administration and resources. The Park can be contacted for more information.

Visitor Facilities

Campgrounds

Comment: In the "developed campgrounds section," emphasis should be on native plant landscaping, and should not be dependent on water availability.

Response: The statement that landscaping would depend on water availability has been removed.

Except under unusual circumstances, exotics would not be used in NPS landscaping efforts. Some irrigation of native plants may be necessary to establish more mature plants.

Comment: Accommodation of tent campers should not be neglected. Add "priority shall be placed on tent only camping sites at all campgrounds."

Response: A statement has been added to the plan that the Park would work to identify issues and concerns with various camp users and find ways to accommodate all types of campers, including tents, in developed campgrounds, while enhancing the visitor experience.

Recreational Activities

Day Use Areas and Activities

Comment: Provide an alternative that includes a cooperative approach to providing day use and recreational services.

Response: The section on day use provides clear language as to the reasons for limiting recreational day use activities. It also provides a process for considering new activities in light of the NPS mission and Park enabling legislation. Activities involving consumptive use of resources are at odds with the NPS mission. Parks are designed for resource conservation.

Backcountry Camping

Campfires

Comment: Consider allowing campfires in existing fire pits or in fire pans as the Mojave plan is.

Response: Death Valley National Monument had a long history of not allowing fires in the backcountry. This policy has been in place to protect Park natural and cultural resources from destruction by visitors obtaining material to burn. There is little if any compelling reason to alter this long-standing policy. However, we recognize that the public lands added to Death Valley in 1994 have had an equally long tradition of allowing backcountry campfires. The text was changed to allow the “Wilderness and Backcountry Management Plan” to consider the issue of campfires outside of developed areas. A determination on this matter will be made within that plan. Until that plan is finalized, we believe a cautious approach to campfires is warranted.

Comment: Park’s current ban on backcountry fires should remain intact.

Response: The public has raised the desire to allow campfires in the backcountry. The plan will state that this issue will be considered within the “Wilderness and Backcountry Management Plan.”

Comment: Campfires should be allowed with fuel provided from an outside source, and in those locations where fuel is abundant, use of native material should be allowed until negative impacts occur.

Response: The plan will state that this issue will be considered within the “Wilderness and Backcountry Management Plan.”

Camping Guidelines

Comment: Establish guidelines for Park visitors, indicating where they are allowed to camp based on a camping area survey and resource impact analysis.

Response: Some changes were made to this section to clarify the conditions applicable to “backpack camping” versus “car camping.” Language was added to require that car camping may only be done in previously disturbed areas. Driving off the road surface into natural vegetated areas to park is unacceptable. We believe these clarifications provide acceptable interim parameters for backcountry camping while the more specific “Wilderness and Backcountry Management Plan” is being prepared. Improvements to backcountry car-camps and other places would be made where appropriate to protect Park resources or protect visitor health and safety. Improvements to campsites would be the minimal tools needed to resolve problems.

A survey and detailed resource inventory of backcountry camping areas was not available for the general management plan. This level of detail would be addressed within the “Wilderness and Backcountry Management Plan.”

Comment: The plan should have included standards and guidelines for what is considered acceptable camping practices and how they will be considered during future planning activities.

Response: The issue of appropriate backcountry camping behavior is addressed with regulations and handouts that can be picked up at information/visitor centers or through the mail.

Dedecker Canyon

Comment: Steel Pass Corridor should be either closed or made as difficult as it was prior to the illegal bulldozing of Dedecker Canyon. Have a traffic counter. Do not allow unlimited car camping as proposed in alternative 3 for Saline Valley.

Response: We are not sure what you are referring to as “illegal” bulldozing in Dedecker Canyon. To our knowledge no such activity has occurred. The road is still a difficult four-wheel drive-only route with limited use. Trying to determine actual use would be beneficial to the management of the road.

The document has been revised to reflect that the Park will study and determine whether a section of Dedecker Canyon should be closed to camping because of possible impacts to the vegetation and bighorn sheep population and to rare plants.

Group Size

Comment: The Park should consider a higher threshold for overnight camping permits.

Response: The Park has had group size permit requirements in place for several years. The purpose of the permit requirement for large groups is to have a mechanism to address resource impacts that such gatherings may cause on Park resources and other visitors’ experience. Groups exceeding these numbers can most likely still camp in the backcountry, but they will need to get a special use permit, and may be required to camp in smaller groups. Special consideration is given to the particular circumstances of each group for which a permit is issued. The permit goal is to protect Park resources and the quality of the visitor experience. Issuance of the permit provides an opportunity for the Park to convey information to the group about special issues and concerns, road conditions, camping and fire rules, and to identify sites that are suitable in size for that particular group. The Park will implement measures to make obtaining a group permit as simple as possible. However, outings sponsored by organized groups and advertised weeks in advance should initiate a permit request at the time the trip is planned, even if the exact number of people and vehicles is not yet known. As far as setting a higher threshold for either people or vehicles, we have no evidence to suggest that another number would be any less impact on the visiting public, nor result in fewer impacts to Park resources.

Comment: On page 75 of the draft plan it states that groups of 15 people or 6 vehicles require a special use permit. There is no definition of what a group is or where this requirement applies, or what the maximum size is for a group. Will this be listed in the superintendent’s compendium?

Response: The Park has defined a group as any organized and/or coordinated event with 7 or more vehicles and/or 16 or more people and/or stock animals. The Park staff gives special consideration to each group’s proposed activity and location that applies for a special use permit. The overall management goal of the special use permit program is to protect Park resources and the quality of the visitor experience

while following such things as (but not limited to) the *General Management Plan*, current Park and NPS policies and management directives. Each special use permit application is evaluated independently within the framework of the previously stated management goal to determine if the proposed activity, level of use and location is appropriate.

Thirty Day Camping Limit

Comment: *The 30-day camping limit is not mentioned in alternative 3 as it is in alternative 2.*

Response: Alternative 3 is described at the beginning as being the same as alternative 1, except for differences noted. Camping is therefore limited to 30 days per year as addressed under “Backcountry Camping” in alternative 1.

Miscellaneous

Comment: *The National Park Service uses the term “backcountry” to refer to primitive, undeveloped portions of parks. Based on this definition, roads and cabins would be excluded from the backcountry.*

Response: The term backcountry is generally used to refer to places within the Park that are located away from developed areas such as visitor centers, campgrounds, paved roads and administrative areas. This includes wilderness areas, which are managed under current wilderness law and policies. Cabins can be allowed within backcountry areas and are managed within wilderness as directed by current cultural resource and wilderness management policies. Roads can be located in backcountry areas, but not within wilderness.

Comment: *According to page 54 (backcountry and roadside camping), would a permit be needed for day use in wilderness? A no charge backcountry permit system should be put into place to prevent further degradation of this resource. A permit should be easy to obtain without driving the vast distances of Death Valley to do so.*

Response: The Park currently has a voluntary backcountry permit system for overnight use. A permit can be obtained at the Lone Pine visitor center.

Comment: *The use of off-highway vehicles registered under the California green sticker program should be allowed in traditional backcountry areas that were included in Death Valley by the CDPA at least in the Panamint Mountains.*

Response: Only street legal vehicles are allowed in the Park.

Comment: *The final environmental impact statement should fully analyze benefits of reservation system and on-site camp hosts for heavily used areas, especially in the more remote Eureka and Saline Valleys.*

Response: There are currently no plans and no identified need for a reservation system at Eureka and Saline valleys. An on-site camp host system has been in existence in Saline Valley for many years. This is highly beneficial and the National Park Service has no plans to change this program. There is no identified need for an on-site host at Eureka Valley.

Visitor Use in Saline Valley

Airstrips

Comment: *Keep one airstrip (Chicken Strip) open for medical reasons. The Saline Valley user group was led to believe that the National Park Service would keep one open.*

Response: Options that provide for the possible retention of both airstrips were considered in the draft plan alternatives. All public input received on these options was considered. The current plan is to close all airstrips except the Chicken Strip airstrip. This airstrip will be reviewed for retention or closure as part of the site plan. The record of decision on the impact statement will document the final decision.

Comment: *Keep both airstrips open for safety, access, to allow search for lost persons, minimal environmental effects, and for ease of access for recreation.*

Response: While we recognize the convenience of an airstrip in the event of an emergency, the likelihood of an aircraft being onsite at the specific time of need is questionable. Many areas of the Park exist without an airstrip and emergency services are provided. Emergency access by ground during hazardous and foul weather is sometimes more feasible than by aircraft access. Aerial searches are routinely conducted in many areas without support of landing strips in the Park. This type of activity would be better supported out of a full service landing strip with fuel. While your argument about impacts is acknowledged, the fact remains that the vast majority of visitors would continue to access the area by roads.

Comment: *The airstrips in Saline are an asset and do not detract from the area. They enhance it for most people.*

Response: We acknowledge and respect your opinion on airstrips; however, public opinion is not unanimous regarding their detracting. Several comments were also received during this planning effort questioning the need for the airstrips and citing their distraction to this wilderness setting.

Comment: *The National Park Service must sign or file an application for sanctioning an airport: (1) define standard of expected pilot experience and skills for operations on both airstrips (2) define maintenance structure for airstrips (3) file FAA form #7480-1.*

Response: If the final decision on the General Management Plan results in the retention of any airstrips in Saline Valley the Park Service would follow both FAA and NPS regulations in designating the airstrips.

Alternatives

Comment: *Alternative 1 is unacceptable to most, if not all of the current user community. Developing a parking lot, closure of both airstrips, and prohibition of roadside camping are contrary to the mandate to preserve the area in the condition when the California Desert Protection Act was passed.*

Response: The legislative mandate is to manage the Saline area as part of the national park system. We are unaware of any legislative mandate to keep Saline Valley as it was when the act passed. The proposed action has been modified to indicate that a site management plan would be prepared for the area.

Buffer Zones

Comment: “Sec. 103 (d) no buffer zones” is not quoted in the plan. The National Park Service cannot treat Saline Valley like a buffer area. The few 100 acres around springs should not be considered for full restoration, but keep human impact to a minimum.

Response: Section 103 of the California Desert Protection Act applies only to the Bureau of Land Management’s designated wilderness areas created by Section 102.

None of the alternatives suggest that the Saline Valley Warm Springs area is part of a wilderness area. Restoration, future development, resource protection, etc. are all issues that would be addressed in detail in the site management plan.

Camping Area

Comment: Define a “camping district” (an area within the wilderness boundary that currently shows evidence of camping use) to stop the spread of areas used for camping. Visitors would be allowed to camp anywhere within its boundaries.

Response: Input such as this would be solicited by the Park in the development of a site specific management plan.

Comment: Change car camping sites in alternative 3 to car camping area and extend the current stay limit from 30 days to 45 days. Would it be possible for the Park Service to establish two types of camping areas, one with a 30-day limit and one for 3–4 months?

Response: The National Park Service believes that the current 30-day camping limit provides for an ample time to enjoy the Park and assures all visitors an opportunity to camp within the Park.

Comment: What will happen when all the designated campsites are full?

Response: There are other appropriate areas to enjoy camping, both within and outside the Park.

Costs

Comment: Alternatives 1 and 3 show amounts budgeted for improvements at the Warm Springs Area, which are more than all the money spent to date at the warm springs by private individuals.

Response: The estimated costs for new facilities at Saline have been removed. Until such time as the site management plan addresses these issues, discussion of proposed facility development has been removed. However, we recognize that building facilities, such as restrooms, to health and safety standards would be more expensive than what has been done historically at this site.

Future Site Plan

Comment: The level of detail is beyond what is required in a general management plan. Address specific issues in site specific plan. Include resource and cultural protection, environmental restoration, limits on public use, and cooperative management with the user group.

Response: The list of suggested site plan details for Saline Valley visitor use in the draft plan has been removed and replaced with a list of issues, concerns, and resource protection goals to be addressed by the plan. Additional data collection regarding the local environment and visitor use needs to be completed

before the plan is to proceed to that level of detail. The basic issues to be addressed include: public health and safety; protection of natural and cultural resources including sensitive species protection; exotic species; visitor use levels within existing number of spas; and the quality of the visitor experience for all visitors who come to this place. The plan will state that the long-term goal/vision for Saline is to be managed according to Park and NPS management objectives along with those developed by the site management plan.

Comment: Consult with general public in drafting a management plan for Saline Valley and set up a framework where user groups are prevented from a disproportionate level of influence. Use the NEPA process.

Response: 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 plan 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.

Comment: A detailed site plan should begin as soon as possible. Plans should follow current management and should be a partnership with the National Park Service, as defined by a memorandum of understanding.

Response: The National Park Service fully agrees with this comment.

Maintenance

Comment: Composting toilets might work but any toilet requiring regular pumping/emptying would be a problem. How do you get a septic truck through when the roads are flooded or the passes are blocked with snow?

Response: Vault toilets were installed in 1999. These seem to be currently working well.

Management

Comment: Identify management goals for Saline Valley campground.

Response: 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 final plan 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.

Comment: The Saline Valley area needs to be regulated according to resource protection goals, not user groups. The plan should clearly indicate its management direction towards restoration and protection of this area.

Response: The NPS mission is to protect Park resources and provide for their enjoyment in a manner that leaves them unimpaired for future generations. Specific programs for achieving this mandate in Saline Valley will be included in the future site plan.

Comment: Do not manage Saline Valley as wilderness. It is part of the 5% that is meant for other uses. Leave it open for users who have demonstrated a willingness to take responsibility for the springs.

Response: Much of Saline Valley is wilderness. The area immediately around the springs is nonwilderness.

Comment: *Current users of the springs have introduced nonnative species and routinely add bleach to the waters. Hot tubs have been built. Changes have disrupted the natural flow of waters to the spring area. Camping should be limited and enforced in Saline Valley. Unregulated camping is causing damage to vegetation in a widespread area surrounding the lower springs. No additional hot tubs or spas should be built and reduce the current number.*

Response: No additional hot tubs are being allowed. The issue of nonnative species is of concern to the National Park Service. These matters will be appropriately addressed in the site plan.

Preserve Historic Conditions

Comment: *Cultural and natural resources restoration should be limited to preserving the springs area in the condition as it was, when made part of the Park for the historical and cultural protection.*

Response: Cultural resource protection issues would be addressed during the site management planning. Cultural issues may include contemporary use, historic use, pre-historic use, preservation of historic and archeological resources, and recognition of Native American values and traditions. The challenge of the plan will be to balance the desire for public use with the mandates for resource preservation.

Public Input not Considered

Comment: *Alternative 1 is not acceptable. None of the suggestions by user groups are endorsed as the preferred alternative. The National Park Service has modified their input to conform to prejudices instead of attempting to implement the desires of the public.*

Response: The National Park Service heard suggestions from the user groups, such as the Saline Preservation Association, and have incorporated those suggestions into either alternative 2 or 3. As was discussed at the General Management Plan public meetings, there are also other public opinions to be considered and NPS compliance with legislative and legal mandates for resource preservation, public health and safety and other considerations. A management plan for this area would have to consider all these issues.

Roads

Comment: *Change: "Vehicle access to the springs would be restricted to defined roads" to read "Existing roads"—roads in Lower and Palm Spring area that don't appear on maps but have been used for decades.*

Response: As part of the data gathering effort prior to the development of the site management plan, detailed mapping of existing disturbance and resources would be undertaken. Retention or restoration of each existing road in the springs area would be considered during that planning effort.

Comment: *What was the reason for the partial closure of Artesian Road? This road should be available for use because of the availability of water and it is not as rough as the northern access. Maybe just have seasonal closure of the road during bad weather.*

Response: Part of the Artesian Road was limited to foot or stock use by the California Desert Protection Act and the Wilderness Act.

Comment: Inyo County should continue to maintain the roadway.

Response: The National Park Service is not aware of any proposal to change this.

Comment: Do not close roads, such as Lippincott Mine Road, which have been open for decades.

Response: The National Park Service has no plans to close the Lippincott Mine Road. In fact, NPS crews and rangers recently spent a considerable effort on the maintenance of this road.

Upper Springs Fence

Comment: Remove the fence (BLM-installed) surrounding upper springs as soon as the burro population is at a point where they cannot overgraze the area. Other commenters state that the fence should remain to prevent burros until burros are eliminated, that camping should be prohibited 1/4 mile from Upper Springs, and that no maintenance/improvement of the road should be allowed.

Response: While we don't know the history of the fence, we generally agree that fencing of springs should not be done unless there is a compelling reason. The Park will investigate the need for this fence and if it is not necessary, it will be removed.

Visitor Use Trends

Comment: Projections of visitation are not accurate. The number of visitors has been shrinking.

Response: The projections of increased visitation to the Saline area are based on historic trends that show visitor use has continued to grow. They also represent what we believed the user groups were telling us, that information advertising the springs, such as the article you identify, would result in more and more visitors. As we discussed at the public meetings, if visitation continues to grow, at some point the carrying capacity of the area would be exceeded. In developing the site management plan, accurate visitation trends would need to be determined, and issues of how to deal with management of large crowds on popular weekends addressed.

Native American Use

Comment: The Timbisha Shoshone Tribe has traditionally used Saline Valley. The impacts of constructing a parking lot are not addressed nor does it address a plan for Native American access to protect privacy of activities.

Response: Alternative 1 calls for the development of a site-specific plan for the Saline Valley that emphasizes protection of cultural and natural resources and environmental restoration. The bulleted list on page 76 of the 1998 draft are items that "may be included" within that plan. That plan will undergo public review and comply with all laws pertaining to natural and cultural resources and public involvement. Access for traditional cultural and religious activities by Indian people as provided for in Section 705 of the California Desert Protection Act could be considered during the site management plan development, or may be addressed on a case by case basis by the superintendent upon receipt of a request.

Miscellaneous

Comment: There is no mention of the culture that exists at the warm springs — cleanliness, low cost of maintenance currently being paid for by users' donations.

Response: Additions to the "Affected Environment" have been made.

Comment: Contain impacts so that the surrounding wilderness area receives appropriate legal protection and find a way to limit use of the springs so that popular periods do not get overcrowded. Have a staff person at the entrance road to enforce this limit.

Response: 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 final plan 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.

Comment: Concerned that the draft plan, as published, does not recognize the Saline Warm Springs area as a “designated campground.”

Response: A statement has been included regarding consideration of camping as an issue in the site management plan.

Hunting

Comment: The hunting issue was also raised for Death Valley. The superintendent has authority to allow hunting within the Park under certain conditions. Allow for chukar hunting since it's an exotic.

Response: The issues raised by the public regarding hunting were in regard to Mojave National Preserve and BLM lands. Hunting is not allowed in Death Valley National Park. Congress fully recognized that the expansion of Death Valley and designation as a Park, would eliminate hunting opportunities. This was an affirmative choice they made. Within the same act, they chose to allow continuation of hunting in the Mojave, by designating it a “preserve,” and providing for hunting in the law. They clearly understood the difference and made an informed choice.

Visitor Use Fees

Comment: What are the estimated revenues derived from fee collection efforts? Are they self-supporting? Does the Park keep all of the fees? Is the proportion of added staff needed to increase the fee collection a component of alternative 1?

Response: 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.

Comment: The Park is going to barricade Highway 190 and /or 178 and charge all passers a fee. This is unacceptable because of commerce use. Discussion of using third party participation is encouraging. Local residents should not be charged a fee when they have to go through Death Valley.

Response: The Park has not suggested and has no plans to barricade highway 190 or 178. Fee stations and information stations would be installed where fees would be collected. The public using highway 190 for thoroughfare through the Park rather than recreation will not be charged an entrance fee.

Comment: Consolidate rules and fees. Streamline fee collections. Most fees should stay in the area. Free pass through permits should be issued for Inyo residents. CFR 71.13 guarantees separate exceptions and exclusions.

Response: Fee collection and retention are programs performed under congressional direction and federal laws that are very specific on the collection, retention and use. Death Valley is a participant in a congressionally mandated fee demonstration program that provides for 80 percent of the recreational fees collected in the Park to be kept and used on projects in the Park. Recently the NPS entered into a national partnership with the National Park Foundation to sell Park Passes. These passes provide admission to all NPS units for an annual fee at \$50. The Park retains 70% of those funds.

Comment: Rather than an entrance fee, a parking permit fee should be required, as does the Forest Service. Permits could be sold through mail or at local businesses, not at expensive entrance stations that have limited hours.

Response: As stated in the draft plan, the Park would continue to explore alternative methods of fee collection, including by third parties. Alternative methods of verifying payment of entrance fees would also be considered. Entrance stations are being considered, both to collect fees, but to also serve as a point of contact and information distribution as visitors enter the Park. We believe these stations can serve both fee collection and enhanced visitor information and enjoyment.

Comment: The National Park Service should not charge a fee for merely passing through the Park on county or state built or maintained roads (36 CFR Ch. 1, part 71, sect 71.13 (b)). Fees should not be charged for visitors accessing remote backcountry areas with no significant developed facilities.

Response: The public using highway 190 for passage through, rather than recreation, are not charged an entrance fee. Congress provides the criteria under which the Park Service collects entrance fees. The presence or absence of developed facilities is not a criterion. Fees for the use of developed facilities, such as campgrounds, does vary depending on the facilities present. These fees are in addition to the entrance fee.

Commercial Use and Services

Commercial Filming

Comment: Uphold strict wilderness standards when issuing filming permits. Filming is not allowed in wilderness.

Response: Categorically rejecting any opportunities for commercial filming or other commercial services in wilderness does not seem appropriate. There may be projects that promote wilderness awareness and other Park values where allowing such uses would have tremendous benefits to wilderness protection. Consideration of wilderness values in the review of filming permits is appropriate and will be done.

Road Testing

Comment: Deny requests for road testing.

Response: The Park does not have the jurisdictional ability to prevent vehicle testing on State Highway 190. Vehicle testing is currently regulated under the special use permit program which protects and

preserves Park resources and the visitor experience through disallowing permit requests or placing conditions upon allow activities.

Buses

Comment: Require permits for bus tour operators within the Park. State this in the general management plan or compendium.

Response: Clarification has been added to the plan that all commercial businesses operating within the Park are required to obtain an incidental business permit for all activities off of Highway 190. Tour buses are charged an entrance fee each time they enter the Park. The fee is based upon the seating capacity of each bus.

Concessions

Comment: Keep expansion of Park visitor accommodations outside the Park boundaries and do not expand developed campgrounds. This limitation must also apply to all existing private concessioners within Death Valley.

Response: This comment seems to support the action proposed. Concessioners cannot expand operations in the Park without NPS approval. It should be noted that the Amfac operation at Furnace Creek and the Panamint Springs operation are not concessions, but private inholdings. Visitor use statistics show a 26% reduction in RV use at campgrounds between 1979 and 1995. This proposed action calls for a reduction in the number of RV campsites at Sunset campground, the largest campground in the Park.

Comment: The plan should provide for a concessions management plan in the list of future planning efforts on page 51.

Response: Although no major future development is proposed, the potential acquisition of the Furnace Creek and Panamint Springs developments from willing sellers may create a situation where large scale commercial services are overseen by the Park Service. Existing concessions activity exists at Stovepipe Wells and Scotty's Castle. In addition, other commercial services may be desirable to provide visitor services. We agree that a plan should be prepared to encompass commercial activities in the Park, including concessions. A commercial services plan has been added to the list of future planning efforts.

Miscellaneous

Airstrips

Commercial Aviation

Comment: Do not allow continued access to either Saline Valley or Furnace Creek by either commercial or private aircraft. Ban commercial aviation into Death Valley airspace permanently.

Response: 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.

Saline Valley

Comment: *Keep one airstrip (Chicken Strip) open for medical reasons. Saline Valley user group was led to believe that the National Park Service would keep one open.*

Response: Options that provide for the possible retention of both airstrips are considered in the draft plan alternatives. The current plan is to close all airstrips except the Chicken Strip airstrip. This airstrip will be reviewed for retention or closure as part of the site plan. Additional public input can be made during the No Action Period on the impact statement. The record of decision on the impact statement will document the final decision.

Stovepipe Wells

Comment: *Close the airstrip at Stovepipe Wells to all but essential Park business. No private or commercial flights should be allowed.*

Response: The current proposal in the final plan calls for removing pavement from the Stovepipe Wells airstrip and providing only a gravel surface. This will substantially reduce maintenance costs for the Park.

GENERAL DEVELOPMENT CONCEPTS

Stovepipe Wells

Comment: *The development concept plan for Stovepipe Wells is not mentioned in the "Future Planning" section. Upgrading the campground and visitor center is unclear.*

Response: There is an existing development concept plan for Stovepipe Wells that was prepared in 1980 and updated in 2000. Some suggested changes were provided in the 1998 draft plan on page 73.

SOCIOECONOMICS

Water Rights

Comment: *The plan fails to discuss the impacts of water resources policies on local residents, businesses, and government. Implementation of policies has resulted in significant cost burdens to Nye County. The National Park Service has protested water rights applications.*

Response: The National Park Service does not knowingly take any action that results in direct impacts to non-NPS lands outside our boundaries. However, given our mission to preserve and protect Park resources, the Park Service does actively participate in local, state, and other federal permitting processes that allow entities that may be affected by an action to comment and testify regarding those effects. Our actions to identify possible effects on Park resources are undertaken in the same manner that any other concerned citizen, organization or agency would take to prevent adverse effects to their property. Park Service activities related to water management are following the laws and policies of the state of Nevada.

The National Park Service believes that water conservation and protection of aquifers is important to the economy and quality of life in the area.

Loss of Public Recreation Lands

Comment: The loss of public recreation lands has not been addressed in the context of the bigger picture.

Response: We are not proposing any development of lands in the alternatives. Public recreation lands have not been lost. The expansion of Death Valley and Joshua Tree, the creation of Mojave National Preserve, and the designation of wilderness in parks and on BLM lands, was seen by Congress as a positive step to preserve these lands for this and future generations. The creation of the parks and wilderness areas was an act of Congress and not an action resulting from this planning effort.

Socioeconomic Study

Comment: Any socioeconomic study needs to objectively be done looking at both positive and negative benefits, and needs to include governments, cities, industries and people of the California and Nevada region. Have a broad based citizens advisory committee.

Response: A socioeconomic report was prepared under contract as a component of this planning effort and is referenced on page 157 of the 1998 draft plan. Copies of this report were made available at the time the draft plan was released.

Comment: Socioeconomic description should be held out for rewriting.

Response: In order to have consistency in the descriptions of all communities covered in the socioeconomic analysis, the best standard for information was the 1990 census. The socioeconomic information in the draft plan is not complete; additional information was available in a separate report identified on page 157 and 185 of the 1998 draft plan. A private consulting firm provided more information on current and projected socioeconomic conditions of communities. Because of the broad nature of the scope of this plan, the socioeconomic aspects were typically kept to the same level of detail. The consultant was not required to define every aspect of each community, only those communities and the aspects that could be significantly affected by the proposed actions of this plan.

ROADS AND CIRCULATION

Carrying Capacity

Comment: The carrying capacity of each road needs to be determined in the general management plan or the road management plan. Any limitation other than the number of vehicles should be based on a percentage of the established carrying capacity.

Response: Where overuse on a particular road becomes an issue and resources or the visitor experience are suffering, data would be analyzed to determine appropriate and reasonable limits on public use. Setting limits on organized events that may impact the system, due to number of participants or type of activity, seems to be a very reasonable and rational approach to protecting resources and visitor experience.

Closed Routes Signed

Comment: There is inconsistency in the plan regarding roads. The plan states that paved roads and recognized dirt roads are open unless closed and backcountry roads and trails are closed unless signed open.

Response: Most of the roads listed do not have official names, which leads to confusion over which road or road section is actually being referred to. Some roads were closed or partially closed by wilderness designation to mechanized or wheel vehicles but remain open to other types of access. The Trails Illustrated and Tom Harrison maps that are available at many local businesses and in the Park serve as good guides for determining which roads are open for vehicle use. You are welcome to meet with Park staff and review maps together to clarify any questions on the status of vehicle use on Park roads.

Comment: The plan should state whether or not commercial vehicles are prohibited from using county roads in expanded areas of the Park. There are no signs prohibiting commercial vehicles.

Response: No commercial vehicle through traffic is allowed on roads other than Highway 190. Inyo County has historically maintained some of the roads that were added to the Park in 1994 by the California Desert Protection Act. Some of these roads may have valid rights-of-way or easements providing for public access and use. However, these have not yet been determined.

Definition

Comment: The plan does not define what a road is. The public needs to understand where motorized vehicle use is and is not allowed such as in washes.

Response: 36 CFR 4.10 (a) "Operating a motor vehicle is prohibited except on Park roads, in parking areas and on routes and areas designated for off-road motor vehicle use." U.S. Code, Title 23, section 101 defines a Park road as: "The term "park road" means a public road, including a bridge built primarily for pedestrian use, but with the capacity for use by emergency vehicles, that is located within, or provides access to, an area in the national park system with title and maintenance responsibilities vested in the United States." Any further definition(s) will be deferred to the backcountry and road management plans. At this time, washes are not to be driven in, except where a road that is recognized for vehicle use, leads into and out of the wash, and the wash is part of that designated travel route. Visitors can get information on open travel routes by looking on some Park road maps that are available at visitor information centers and other locations.

RS-2477

Comment: The plan fails to rigorously explore alternatives concerning RS-2477 under NEPA.

Response: The National Park Service is neither refusing to recognize, nor acknowledging, RS-2477 rights-of-way in this document. Roads not affected by wilderness designation are open to motorized travel; those closed by Congressionally designated wilderness are not open to uses prohibited by the Wilderness Act. Anyone who feels that Congress has erred in the inclusion of certain roads in wilderness will have to pursue actions outside the National Park Service's authority. This is not a planning issue that can be resolved by creating alternatives.

Comment: The statement on page 48 is in disagreement with RS-2477 where it states "RS-2477 was repealed when FLPMA was passed on October 21, 1976." FLPMA provides for a new mechanism for

granting new rights of way and does not invalidate thousands of grants previously made valid. The National Park Service cannot consider any RS-2477 application because (1) the holder has no obligation to seek approval (2) the National Park Service lacks authority to determine validity (3) the courts have that authority.

Response: The section on page 48 of the 1998 draft plan does nothing to interfere with valid RS-2477 rights-of-way (ROW). It simply states the National Park Service is without authority to consider such assertions while the departmental moratorium is in place. However, a right-of-way asserted under RS-2477 is not automatically assumed to be valid. Regardless of the validity of an assertion, the National Park Service still retains authority for reviewing and permitting activities on the roadway.

Comment: *The Park's decision to not address RS-2477 assertions is not acceptable. The term "route determinations" should be replaced with the term "assertions."*

Response: RS-2477 assertion determinations are not planning decisions. Assertions will be dealt with through a process provided by the Department of the Interior or through legal remedies. Section 305 applies only to valid existing mineral rights obtained under the various mining laws. However, section 708 does ensure private landowners adequate access for reasonable use and enjoyment of property.

Comment: *The plan should have listed all the rights-of-way within the new boundaries. How will the National Park Service deal with those that are already recognized? State Route 190 is an RS-2477 right-of-way, but has it been officially recognized by the Bureau of Land Management or the National Park Service?*

Response: The National Park Service recognizes the need to further research the validity of various rights-of-way within the Park.

Comment: *If the National Park Service is refusing to recognize the rights-of-way as a matter of agency policy, then the plan must have an alternative which addresses the impacts of such refusal or recognition.*

Response: The National Park Service is neither refusing to recognize, nor acknowledging RS-2477 rights-of-way in this document. Roads not affected by wilderness designation are open to motorized travel; those limited to foot and horse use by Congressionally designated wilderness are not open to uses prohibited by the Wilderness Act. The National Park Service does not have the authority to change decisions made by the Congress.

Inventory Roads

Comment: *The plan needs to include a complete and accurate inventory and map of the travel ways in the preserve and address which of them will be available for use by public and by what manner.*

Response: This level of detail is inconsistent with current NPS wide direction for general management plans to focus on long term, desired resource conditions and visitor experiences (Park Planning, Directors Order #2). We believe that the plan's management philosophy statement on page 80 of the 1998 draft plan addresses this, as does the desired future condition statements. The Park's implementation plans will address this level of detail. The Park and other retail outlets have roadmaps for sale that provide information on roads that are open for use. These road maps provide the best information using current information. An inventory would be a component of the Park's road management plan. Generally, the level of maintenance of existing open roads is not likely to change. Closure of roads is not anticipated at this time, but could be done if needed to protect Park resources or visitor safety.

Death Valley publishes a daily report. This report lists current weather and road conditions. The Park attempts to get private vendors to depict information about the Park correctly on maps that they produce and usually has success. The Park and other local merchants sell maps that contain good information on road conditions, i.e. which roads are maintained and which are not.

Jurisdiction/Use

Comment: There is no mention in the plan about who has jurisdiction over other Inyo County roads besides Saline Valley Road.

Response: All roads located in the Park are under federal ownership and jurisdiction with the exception of State Highway 190, which is managed as joint jurisdiction with the state of California. Joint jurisdiction allows for commercial vehicle through traffic on Highway 190. No commercial vehicle through traffic is allowed on roads other than Highway 190. Inyo County has historically maintained some of the roads that were added to the Park in 1994 by the California Desert Protection Act. The Park will work with Inyo County to develop cooperative agreements to provide for continued maintenance of some roads in the Park by the county.

Paving/Upgrading

Comment: No new roads. Include backcountry dirt and 4WD roads as well as paved main roads.

Response: The Park has no specific plans to pave additional sections of Park roads and funding for such endeavors is unlikely. The road leading into and through the north end of Eureka Valley is outside the Park boundary and has been partially paved by Inyo County. The Park will consider paving the final 7 miles of this road if and when Inyo County paves the remainder of the road.

Range of Alternatives

Comment: The General Management Plan still needs to outline a range of management alternatives. For roads in the Park, consider closure of roads that closely parallel other more widely used roads. Inventory the existing road network.

Response: Death Valley is now 95% wilderness and the remaining roads outside wilderness are currently believed to be appropriate for public, administrative, and emergency access. No road closures are proposed at this time. However, a road inventory is being done in conjunction with a road management plan.

The proposed action alternative in the 1998 draft plan called for a review of the realignment of Highway 190 through Stovepipe Wells. This is the only road management action that is needed to be resolved at the general management plan level. Road management is directly related to Park resources in that they allow visitors to gain access to or experience the resource. The inventory, maintenance standards, and use status of Park roads will be examined within the road management plan. The 1998 draft plan identified road management philosophy on pages 39, 40, and 80 that will guide these future activity level plans.

Signs

Comment: All areas with sensitive natural or cultural resources should display prominent signs detailing the site's significance as well as prohibiting resource disturbance.

Response: We do not agree with the suggestion to prominently sign all sensitive natural and cultural resources. Signing alone would not alleviate the need for Park patrols. In fact, just the opposite may occur. Signing can highlight resources and attract intentional vandalism. Also, the preferred strategy identified in the proposed action limits the number of signs within the Park. This limit is a way of encouraging self-discovery and reducing the presence of human intrusion. Where signing is determined to be necessary and most appropriate they will be used.

Trails

Comment: *Development of the proposed Panamint Crest Trail is questionable because of its possible infringement on habitat of bighorn sheep. Monitor the range of bighorn sheep.*

Response: The proposed Panamint Crest Trail has been dropped from consideration.

LANDOWNERSHIP AND USE

Park Boundary and Authorized Acreage

Comment: *The decision to not consider Park boundary and wilderness boundary issues under landownership and use is not acceptable. The statement on page 81 about "scrutiny and public debate" is not true.*

Response: NPS criteria for examining potential boundary modifications in a general management plan are done with the purpose of adding lands with significant resources or opportunities or that are critical to fulfilling the Park mission. To create a boundary change proposal to exclude a mine from the Park or from wilderness to allow its development would not fit the NPS criteria for boundary adjustments.

Comment: *The northwest boundary of the Park should be restored to the east side of Saline Valley Road instead of its current boundary, west of San Lucas Road. This affects a historic cattle ranching operation.*

Response: Congress, through the political process, determined the Park boundary. The National Park Service made no recommendations regarding the location of Park boundaries and has no authority to move a boundary as you suggest.

Comment: *The statement on page 21 of the draft plan that "the National Park Service believes a comprehensive examination of potential boundary modifications at this time is unwarranted" is incorrect. The closure of roads and trails after the California Desert Protection Act which is contrary to the act's requirement to preserve these lands "in the condition in which they existed when the act was passed.*

Response: The only roads and trails that have been limited to foot and horse usage in the Park since passage of the California Desert Protection Act are those affected by congressionally designated wilderness. There is no legislative mandate to preserve the lands in the condition they were when the act passed. The mandate under the Desert Protection Act is to manage Death Valley as a unit of the National Park System.

Wilderness

Access

Comment: The plan must state that the National Park Service is subject to NPS management policies which states that use of motorized/mechanical equipment will not be allowed in wilderness.

Response: 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.

Comment: The National Park Service and the California Department of Fish and Game should jointly examine the use of and need for developed water sites and develop a program for maintaining or dismantling developed water sites. Develop a program to allow motorized access to maintain or replenish developed water sources.

Response: The Park would welcome the assistance and expertise of the Department Fish and Game in examining the use, maintenance, or removal of developed water sites. Motorized access to sites in wilderness would be considered extraordinary and would not be routinely allowed unless unusual circumstances warranted it. These instances would be considered on a case-by-case basis consistent with the Wilderness Act, and nothing in the California Desert Protection Act provides any additional authority. In fact, each water development in wilderness would have to be examined in light of the restrictions in the Wilderness Act on structures and installations.

Comment: Alternative 1 does not adhere to the minimum tool concept regarding granting access to guzzlers in wilderness because it does not establish basic guidelines for granting requests. Access should be by foot / horseback.

Response: Access to guzzlers for general maintenance and inspection is permitted via foot or horseback. Where guzzlers are deemed necessary for the protection of wildlife, and imported water or major repairs are needed, then motorized access may be requested. These instances would be reviewed individually using the minimum tool analysis. There would be no blanket access issued for these types of activities. The proposed action identifies a strategy for restoring natural sources of water and eliminating artificial sources wherever possible.

Comment: Based on RS-2477 and section 705. Native American uses and interests (a) access, there should be no reduction in access for traditional cultural and religious purposes by Native Americans as a result of the General Management Plan.

Response: Sec. 705(a) of the California Desert Protection Act ensures Indian People access to wilderness and Park areas for traditional cultural and religious purposes. This section does not discuss motorized access. The Park would consider the appropriateness of the type of access and possible public closure request in light of the specifics of the activity. The request would be reviewed under the minimum tool concept as are other wilderness access requests, including those of Park staff and researchers.

Comment: The plan does not explain the criteria for which access in wilderness would be granted for inholders. The final plan should outline regulations and standards the National Park Service will use to administer access rights.

Response: Adequate access should only be addressed based upon a specific landowner request for a particular type of use. Trying to anticipate each type of access need and pre-establish grounds for approval is impractical. Each access request would be reviewed with the “minimum tool” philosophy as a guideline and mandates. Any request for mechanized access that crosses designated wilderness and was not recognized by Congress as an excluded road corridor, requires a permit from the superintendent.

Comment: Include statements in the carrying capacity, paved and graded roads section on page 39, that roads are a legitimate means of access to private inholdings and valid existing rights.

Response: This may be a true statement for non-wilderness roads. However, where roads are now in wilderness, the National Park Service must consider landowner requests for access in accordance with section 708 of the California Desert Protection Act and the Wilderness Act. “Adequate access” for “reasonable use and enjoyment” under the Act does not automatically provide for motorized access. Adequate access would depend on the use intended.

Comment: Wilderness areas are essentially accessible to only a select few: those who are in exceptional physical condition and can backpack, or those who can afford or who can justify helicopter or other approved means of access.

Response: Wilderness is available to everyone to enjoy—either on foot or horseback. The agency managing wilderness cannot use mechanized equipment in wilderness, except under very limited conditions.

Helicopters are not allowed to land in wilderness, except under emergency or other extreme circumstances.

Backcountry Cabins

Comment: Impacts of backcountry cabins should be closely examined, especially in wilderness. Inventory and evaluate all of them on their merit and determine if and how they achieve wilderness management and cultural resource protection objectives.

Response: 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.”

Boundaries and Maps

Comment: The plan needs to provide for demarcation of wilderness boundaries. Wilderness boundaries should be mapped. The planning process should not decide where to interpret wilderness boundaries. Congress has made that decision. The boundaries should be included as an appendix.

Response: 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: Ongoing wilderness mapping and road closures leaves the public frustrated and confused. The Trails Illustrated, Tom Harrison maps, as well as the BLM Panamint Desert Access Guide give conflicting information on open/closed roads and do not provide any indication of wilderness vs. nonwilderness areas.

Response: Conflicting information on private maps has resulted from attempts to provide information to the public before the wilderness mapping process was complete. This is unfortunate, but without these maps, no information would yet be available for general use by the public because of the complexity of the wilderness mapping. The Park is working to mark (and remark as signs are vandalized) all the roads affected by wilderness. This is also a time consuming process and is not without mistakes. The Park has also been trying to educate the public, rather than issue citations, when wilderness trespass is unintentional.

Comment: Local citizens’ input have been ignored by public process. Special interest groups like the Sierra Club have too much influence on public policy.

Response: The California Desert Protection Act was passed by Congress and signed by the president. People who supported expansion of Death Valley National Park were generally pleased with the law, while those who opposed it are less pleased. The lands involved in the expansion were managed by the federal government for decades prior to the act. The Congress is the arm of government in America that makes decisions whether to designate or not designate a national park.

Comment: The outcome for specific locations on the ground has been dictated to the general public by a select number of people. This has caused major public resentment.

Response: Congress designated the wilderness for Death Valley in section 601(a)(1) the California Desert Protection Act. Boundaries of the wilderness areas are generally depicted on 26 maps provided to the National Park Service by Congress. Section 602 of the California Desert Protection Act directs the agency to produce maps and legal descriptions using the maps identified above, and file these maps with

Congress upon their completion. The law provides that only clerical and typographical errors in the maps and legal descriptions may be made. The Park does not have the authority to change the boundaries.

Roadside Camping

Comment: Many previously used sites are within wilderness. Wilderness starts at 75 feet from the centerline of many dirt roads that border wilderness in Death Valley. This eliminates some roadside campsites. Show these locations to public.

Response: Park staff are currently identifying these areas in their ground truthing of the wilderness boundaries. Some of the previous roadside camping areas may indeed be impacted by wilderness. However, they are still open to camping, just not to vehicle access. As these sites are identified, they will be marked with wilderness signs. Vehicles will be allowed to park on the nonwilderness part of the spur roads, which is normally 50 feet from the centerline of most backcountry dirt roads in Death Valley. The Park regularly provides updated camping information brochures to communicate current NPS policy and regulations on backcountry camping.

Exotic Species

Comment: Emphasize prevention rather than control of exotics in wilderness. Removal of exotic vegetation should be done with mechanical means and without use of motorized equipment. The plan fails to address pesticide use.

Response: Allowing natural processes to follow their normal course is not always the most desirable management approach. We agree that prevention is the best solution. We also agree that it is usually desirable not to interfere with natural processes. However, in some cases, especially where people's actions have caused unnatural conditions, manipulation may be required to prevent further negative impacts.

The following has been added to Alternative 1:

The Park will use the "minimum tool" concept when proposing to control exotic vegetation within a wilderness area.

The use of any herbicide or pesticide in a park unit can only be done after complete examination of alternatives, review and approval by Washington, and then only under very controlled circumstances by trained applicators. Herbicides may be used to treat tamarisk in conjunction with mechanical removal to prevent resprouting. The herbicide used with success has been Garlon. This herbicide is painted on the stump or injected into the woody tissue in very limited amounts. It is non-persistent and it is the recommended agent for use near water sources as it is nontoxic to animals, including fish, when used in the prescribed fashion.

Filming

Comment: The National Park Service is generally limited from authorizing commercial filming in wilderness. There should be no commercial services in wilderness unless necessary for meeting wilderness objectives.

Response: Categorically rejecting any opportunities for commercial filming or other commercial services in wilderness is not appropriate. There may well be projects that promote wilderness and other Park values where allowing such uses would have tremendous benefits to wilderness protection.

Fire

Comment: Fire management discussion needs to mention its application within wilderness.

Response: The proposed action section on fire management has been expanded in response to your comment.

Group Size for Hikes

Comment: Don't allow groups to conduct organized hikes off of designated roads or trails except in sand dunes where impacts will be mitigated by wind. If these activities are to be permitted, an environmental impact statement should be done.

Response: Clarification has been added indicating that organized groups sponsoring an event in the Park involving 7 or more vehicles and/or 16 or more people and/or stock animals must obtain a special use permit. Environmental compliance would be considered on each permit and where required, an environmental assessment or impact statement would be completed.

Horses

Comment: The plan must specifically allow for the use of horses and pack animals in backcountry and wilderness areas or their use will be prohibited by default.

Response: Horses and other stock animals are allowed in wilderness and backcountry areas, and there are only a small number of places listed where they are not allowed. The 1998 draft plan reflects this situation under current management in alternative 2 on page 100. This has been adopted in the proposed action.

Comment: Keep guzzlers and allow four wheel drive vehicles for maintenance. Not everyone can ride horseback.

Response: Death Valley is now in its fourth year of using horses for wilderness access. We have a very experienced wrangler who has lead horseback trips as much as 15 miles into our wilderness. The horses routinely make these excursions with little or no water, preferring to drink upon return. Clearly, timing of the ride with weather and conditions of the route are important considerations. The Park staff would gladly lead a trip for your volunteers to demonstrate the utility of this type of access.

Management Theme

Comment: Wilderness management should be a primary management theme in the General Management Plan. Address general goals and requirements of wilderness protection even though separate management plan is pending.

Response: Wilderness and its protection are addressed in the Park's purpose and significance, management objectives, and in the wilderness section in the proposed action.

Minimum Tool Analysis

Comment: Alternative 1 should develop a wilderness management component that emphasizes higher standards of wilderness protection and the need for "minimum tool" analyses. There should be a full

range of management objectives for grazing and camping. Include inventories of roads, cabins, and sensitive natural resources.

Response: We believe that the two pages 82 and 83 of the 1998 draft plan provide appropriate details for a general management plan on wilderness management considerations and do address management using the minimum tool concept.

Comment: *Perform minimum tool analysis in order to determine what is the best way to approach an operation in wilderness areas. The goal is a nonmechanized solution to wilderness management problems.*

Response: 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. Your 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.

Interpretive Theme

Comment: *Educate visitors on the Park's natural and cultural treasures. Promote interpretive themes such as wilderness, cultural resources, and appropriate recreation. Visitor centers, information pavilions, and signs are crucial to achieving this.*

Response: Interpretive themes would be developed as part of the comprehensive interpretive plan.

Roads

Comment: *Road closures are a significant impact.*

Response: No road closures have resulted from actions proposed in this plan, therefore any potential impacts from such closure are not relevant to this impact analysis. Roads closed by wilderness designation were a result of congressional action, not a planning decision.

Trespass and Enforcement

Comment: *Enforcement of laws against vehicle trespass in wilderness should be more vigorously enforced and rangers should be hired to do this.*

Response: Wilderness areas have been posted with signs that state entrance by motorized vehicles and use of mechanized equipment is prohibited. Rangers presently patrol wilderness areas both on the ground and via airplane. The Park recognizes the need for additional staff to protect the vast Park and wilderness areas, however, obtaining sufficient funds to accomplish this can only occur through Congressional appropriations which compete with other needs.

Land Protection Plan

Incompatible Uses

Comment: *Add the following to the list of incompatible uses: (1) commercial irrigated agriculture (2) golf courses (3) airports / landing strips for aircraft (4) multifamily residential / vacation homes (5) ranching of exotic animals.*

Response: Based on this comment and others we have decided to modify the list of incompatible uses in the *Land Protection Plan* to delete the specific items and instead focus on statements that provide a basis for looking at a range of activities. This strategy should work for many years, regardless of new trends or activities not currently anticipated.

Mining Claims

Comment: *There are some inconsistencies in the Land Protection Plan tables regarding mining claims:*

Response: The mining claim tables and associated text have been updated and clarified in the *Land Protection Plan*.

Comment: *The Land Protection Plan needs to discuss how the National Park Service will use 36 CFR 7.26(a) to restrict development on claims for other than mineral extraction.*

Response: The text has been modified in the *Land Protection Plan* to reflect your observations. The special regulations you cite at 36 CFR Part 7.26 (a) do indeed prevent uses of mining claims for other than mineral extraction in the old monument, as well as lands added since 1933.

Comment: *On page 232 of the Land Protection Plan, the third sentence makes mining appear to be an incompatible use and should be deleted from the final plan. The Park policy should follow 36 CFR part 9 as mentioned on page 233 and implied on page 234.*

Response: The sentence simply states that mining “may potentially” affect Park resources. It is a true statement, and in those cases, mining would be an incompatible use.

Concurrent Jurisdiction

Comment: *The proposed “concurrent jurisdiction” with California and Nevada implies another government agency entering the planning process, complicating, and increasing the time and cost of doing anything requiring government approval.*

Response: Obtaining concurrent jurisdiction is a requirement of 16 U.S.C. Concurrent jurisdiction has to do with enforcement of federal and state laws and would not affect the planning process. The section on NPS regulations in the *Land Protection Plan* on page 237 of the 1998 draft plan provides additional details regarding the jurisdiction issue.

Payments in Lieu of Taxes

Comment: *Payments in lieu of taxes are a fraction of tax revenues normally received by county and local governments. Any attempts at expanding acreage currently held, especially from Nevada side will impact local governments.*

Response: The “Environmental Consequences” section has been modified to note that payments in lieu of taxes do not fully replace lost property tax revenue where private lands are acquired by the federal government.

Private Land Development in the Park

Comment: *Increases in Park visitation, bus use, mobile homes, sport utility vehicle use, will necessitate widening and paving of many roads, including backcountry roads.*

Response: The Park would acquire land in accordance with the *Land Protection Plan* (appendix B of draft plan). Section 519 of the California Desert Protection Act provides that private landowners may use their property in the Park to the extent allowable by law, regardless of its location within the Park or wilderness areas. However, this section also provides that the Clean Air Act, Mining in the Parks Act and NPS oil and gas regulations shall apply. Mining operations in parks are subject to NPS regulation, including posting of a performance bond equivalent to the full cost of reclamation. The Park is also obligated by law to protect Park resources from damage that may occur from development on private lands adjacent to or within the Park. In these instances, the Park would participate in the local permitting process to voice its concerns, and may seek acquisition funds if impacts to Park resources cannot be adequately mitigated.

Water Rights

Comment: *The public should be aware that table B-4 (appropriated water rights) is for information only and that it does not necessarily reflect all appropriated water rights, including those privately held within the Park.*

Response: The table has been clarified to indicate that the information contained in it does not reflect every water right that may exist in the Park. It is simply a list of those rights recorded with the California State Water Resources Control Board. Many other valid rights may exist and the Park will be working in conjunction with the NPS Water Resources Division to try and accumulate records for all water rights.

Mineral Developments

Abandoned Mine Lands

Comment: *State on page 66 of the draft plan that abandoned mine sites will not be closed unless they are first surveyed for bats and other wildlife by a qualified biologist. Gate the mine if a maternity roost or hibernaculum is found within the mine.*

Response: Environmental assessments would be conducted prior to mine closures. These assessments would include biological surveys and mitigation recommendations.

Standards

Comment: *If a proposed mine fails to meet 36 CFR 9a standards, the Park should not hesitate to deny the permit and approval of plan of operation. Look into acquisition possibilities. There should be no disturbance of surface prior to permit and successful validity exam.*

Response: NPS mining regulations would not allow the approval of an operation that failed to meet the approval standards. Disturbance of the mining claim could only occur under an approved plan of operations.

Valid Existing Rights

Comment: *The Park boundary should exclude all valid existing mineral rights, active mining claims, and patented mining claims.*

Response: Excluding mineral rights and claims from the Park would not eliminate the need for mine operators in the Inyo Mountains to obtain an NPS permit. NPS regulations required a plan of operations

for operations outside the Park that required access through or across the Park. The Park has no authority to exclude valid existing mineral rights from the Park. The external boundary was designated by congress.

Management Objectives

Comment: The “Management Objectives” under natural and cultural resources on page 32 contains anti-mining language contrary to the Mining in the Parks Act, NPS regulations, and other legal authority. Management objectives should recognize that congress intended mining to continue.

Response: The management objectives are consistent with the NPS preservation mission and Park enabling legislation. The two objectives that deal with mining would allow for some mineral development to occur consistent with NPS regulations. The Mining in the Parks Act (1976), which gave the National Park Service the authority to regulate mining activity in parks, recognized that some mineral development was inconsistent with the purposes that parks were set aside. The California Desert Protection Act and the Mining in the Parks Act closed the Park to new mining claims, resulting in a finite number of mining claims. Over time, the number of claims will likely decrease as a result of relinquishment of claims by the owner, depletion of the resource through mining, or acquisition by the National Park Service. We do not believe it is inconsistent with our mission and Congressional authority to have as a long-range objective the eventual phase-out of mining. This goal should not be construed by industry as anti-mining, rather as pro-preservation, which is the NPS mission and purpose. The Park Service has permitted several mining operations in Death Valley since 1976.

Mining Authorized Activity

Comment: In the “Planning Constraints and Mandates” section, add the statement that “mining is a legally recognized activity in Death Valley which is regulated by the Mining in the Parks Act and other appropriate laws and regulations.”

Response: A statement has been added to the plan recognizing that many mining claims exist in Death Valley as a result of the area being previously open to staking of claims. These claims, subject to determination of a valid right, are recognized and their existence may result in mining proposals by their owners. The plan recognizes that mineral development is an allowable activity under the Mining in the Parks Act, NPS management policies and regulations, and other laws and regulations.

Minerals as a Natural Resource

Comment: Omission of “minerals” from natural resources in the alternatives section must be corrected in the final plan.

Response: The comment does not indicate what should be included in the proposed action regarding minerals as an element of the management plan. We believe that management of the mineral resource is properly dealt with through the regulation of mining, which is addressed in the plan. We also don’t feel that minerals are a component of environment that meets the criteria for inclusion in the “Affected Environment” section of the draft plan. Death Valley was withdrawn from mineral entry by Congress; therefore, the impact of the withdrawal is not an action resulting from this plan.

Rainbow Talc Mine

Comment: Buy the Rainbow Talc Mine from the owner. Get it on the list for purchase.

Response: The Park initiated an environmental assessment about three years ago. During the development of the environmental assessment, it was determined that an environmental impact statement would be needed. Before the environmental impact statement was contracted, the Park learned that the claimants and the government had agreed to a sale of the claims to the National Park Service. This sale is in progress. Funding has been identified for this acquisition. The sale to the National Park Service is proceeding as rapidly as possible.

Restoration

Comment: Use NPS regulations to the fullest to require complete restoration of the land. Include complete backfilling of open pits and a bond sufficient to accomplish this if the mine fails.

Response: NPS reclamation standards in our mining regulations would allow us to require such reclamation and a performance bond to ensure its accomplishment.

Comment: Public involvement should be required for inventory and planning for abandoned mines and cabins. Is it premature for Death Valley to make estimate of \$4.6 million for restoration of abandoned mines?

Response: Restoration plans for abandoned mines and the “Wilderness and Backcountry Management Plan” would undergo NEPA review and public involvement. The estimate for restoration of abandoned mines is a rough figure intended only to identify the problem as a major budget item.

Comment: State that each site would be individually evaluated and reclamation action be taken as appropriate to restore the area to as natural a condition as possible. Define “restore,” “reclaim,” and “rehabilitate.”

Response: A clarifying statement has been added indicating that a plan would be prepared for each site before actions are taken. The goals of the restoration strategy are addressed on page 66 of the 1998 draft plan. A glossary has been added.

Sensitive Resource Analysis

Comment: Determine areas of the Park that are most vulnerable to the destructive impacts of mining and then design appropriate regulatory and acquisition strategies. Some steps in alternative 3 should be incorporated into alternative 1.

Response: Alternative 3 outlines a sensitive resource analysis process for mineral development activities as you suggest. This is a separate alternative from the proposed action, but could be selected in the record of decision.

Range of Alternatives

Comment: Explore an additional alternative in which proposed mineral development will not be allowed unless development meets all of the regulatory approval standards. This and the description in alternative 3 should be included within alternative 1.

Response: The proposed action and alternative 3 build on the existing management situation for mineral management, which is described on page 102 of the 1998 draft plan. All three alternatives provide that mineral development activities would only be allowed when they meet the approval standards of NPS regulations at 36 CFR 9A. Sensitive resources would be evaluated whenever a proposed mineral

development activity is proposed. Alternative 3 differs in that it proposes a parkwide sensitive resource analysis in an effort to identify areas of the Park where mining may be incompatible. That approach relies on potential development scenarios though, rather than actual proposals. Therefore, it is not a flawless approach. Regardless of the approach, if the proposed mineral operations could not be mitigated to meet NPS approval standards, the proposed plan would be denied. Acquisition funding would be sought if no feasible alternative mineral development schemes were available.

Grazing/Cattle Management

Alternatives

Comment: The plan does not offer distinctive alternatives that present different grazing management strategies. Alternatives are similar and allow current levels of grazing. The range of alternatives should include reducing grazing levels and strengthening resource protection.

Response: The proposed action in the draft plan states that the privilege of grazing shall continue at no more than the current levels as of October 31, 1994. This statement implies that lower levels of use could occur. The superintendent has the discretion to lower grazing levels as necessary to respond to resource conditions. The potential for the National Park Service to impose restrictions or lower levels of use was clearly anticipated by Congress in the legislative history documenting the debate over allowing grazing. However, the National Park Service believes this should be done through an examination of the resource issues and conditions on each allotment. The proposed action in the draft plan provides for development of a grazing management plan that would establish resource protection guidelines compatible with NPS laws and regulations. The text has also been clarified to indicate that grazing restrictions could be imposed by the superintendent based on resource concerns, visitor safety or wilderness values.

Base Property

Comment: Are there base properties within Death Valley attached to the four grazing allotments?

Response: The grazing allotments have no base properties within the Park. However, we do not believe this necessarily negates the legislative direction for acquisition. It may mean working with conservation groups or other agencies to achieve the desired acquisition.

Management

Comment: Development of an allotment management plan for Hunter Mountain should also involve the Bureau of Land Management for neighboring grazing areas.

Response: The Park would work closely with the Bureau of Land Management in the development of grazing management plans that involve grazing on adjacent lands under the same rancher.

Comment: There is a total lack of issue coverage regarding grazing. What range standards are in place? Address grazable lands within allotments, distribution of cattle throughout allotments, sensitive plant species, riparian areas, unusual plant assemblages, and use rates.

Response: The National Park Service inherited grazing as an existing BLM activity and the California Desert Protection Act specifically allows grazing to continue. The same protections that were required by the state and federal governments will be provided under NPS management. The proposed action calls for the National Park Service to develop a grazing management plan that will, at minimum, follow existing

federal and state guidelines (e.g. Clean Water, Cultural Resource Protection, and Endangered Species Laws) and needed for additional protections to be provided to the Park's natural and cultural resources in compliance with NPS policies and regulations.

Comment: How will the Bureau of Land Management and the National Park Service manage their respective sections of Hunter Mountain and Last Chance allotments? How will the National Park Service exclude cattle from Eureka Valley and Lacey-Cactus-McCloud allotments?

Response: Presently, no grazing occurs on the BLM portion of the Hunter Mountain grazing permit. There is no water presently available on those BLM lands.

Cattle are physically excluded from Park lands by the rugged terrain in the Lacey-Cactus-McCloud permit. The Park's portion of the Eureka Valley permit received no, or very little, grazing. The proposed action retires grazing on these two permit areas. The Last Chance permit has not been issued for several years and will be retired.

Grazing in Other Areas of the Park

Comment: Sec. 306. (grazing) in the California Desert Protection Act does not specify grazing only at current locations. Livestock use in formerly grazed areas, where water rights are still held, should be considered.

Response: The superintendent has the authority to make changes in the location and the number of cattle grazing on lands in the Park. While minor adjustments may be warranted in and around the existing permits, the legislation did not provide for grazing elsewhere in the Park outside the areas where it was currently occurring in 1994.

Impacts

Comment: The grazing section does not adequately describe how the Park Service will manage livestock grazing without adverse impacts to fish, wildlife, and plant resources.

Response: Grazing impacts are identified in the "Environmental Consequences" section.

Grazing impacts are reduced from the level when Death Valley National Park inherited grazing as an existing federal activity from the Bureau of Land Management. Only one of the four permits identified within the draft plan is presently authorized for grazing. The small acres within Death Valley National Park of the Eureka Valley and the Lacey-Cactus-McCloud permits will be retired with no reduction to the ranchers' use-levels on the adjoining BLM allotments. Nevada BLM has suspended the grazing privilege for the Last Chance allotment and Death Valley has done the same. Death Valley plans to retire the Last Chance grazing permit at this time. This is a reduction of 2,249 animal unit months.

Comment: The Park Service claims that a few ranching operations would be impacted and of little consequence. Ranchers are an essential part of our economy.

Response: The socioeconomic analysis prepared under contract concluded no significant effects would occur as a result of implementation of the general management plan. However, some grazing related jobs may be lost.

Retirement of Allotments

Comment: The plan should recognize all 4 grazing allotments within the Park. The document implies that there has been consultation/coordination with lessees on elimination of small Park areas from Lacey-Cactus-McCloud and Eureka Valley allotments. Lessees had no knowledge of the recommendation.

Response: Page 90 of the 1998 draft plan recognizes all four permits that existed in 1994 at the time passage of the California Desert Protection Act. However, the portions of the Eureka Valley and Lacey-Cactus-McCloud permits in the Park make no significant contribution to the permits according to the Bureau of Land Management and are planned for retirement. The National Park Service has had multiple communications with three of the four permittees. Attempts to communicate with the fourth permittee are continuing.

Permits

Comment: Concerning the proposed process for extending grazing permits, the plan does not describe permit conditions (appropriate use and restrictions). This requires NEPA analysis.

Response: Interim grazing permits were issued by the Park as a continuation of pre-existing BLM permits issued with appropriate environmental compliance. Existing operations, as specified in the NPS special use permits (see appendix F in volume 1 of the revised plan) are generally covered by the draft plan and final plan. The general management plan is intended to only set broad direction for the Park's grazing management program. Detailed operational guidelines would be outlined in the yet to be prepared grazing management plan. Appropriate NEPA compliance and public input will occur.

Fees

Comment: Grazing fees should be more than that charged by the Bureau of Land Management and the Forest Service and cover the cost of range facilities maintenance, monitoring, and administration of grazing program.

Response: Nothing in the California Desert Protection Act indicates that the grazing program should be supported entirely by fees; however, we believe that to be a desirable goal. For the interim, fees would be charged per AUM using the BLM's formula, plus the cost of issuing a permit.

Water

Comment: Alternative 1 language "keep all developments benefiting vegetation and wildlife" implies that all other water developments, while benefiting livestock, would be eliminated. This proposal should be eliminated.

Response: Please see the last paragraph in the "Water Development" section, page 63 of the 1998 draft plan, where it concurs with the maintenance of water necessary for permitted livestock use.

Wilderness Access

Comment: The plan must state that the National Park Service is subject to NPS management policies which states that use of motorized/mechanical equipment will not be allowed in wilderness.

Response: 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.

OTHER TOPICS

Biosphere Reserve

Comment: Reference is made to "international programs" in the second paragraph on page 29 of the draft plan. Appropriateness and U.S. sovereignty questions the legality of international programs in Death Valley.

Response: The statement on page 29 in the 1998 draft plan regarding international programs is in reference to a portion of the agency's mission. In addition to managing parks, the National Park Service also provides assistance to local and state entities and other countries throughout the world in helping to plan and establish national parks. NPS staff are viewed as world class park planners and managers and our assistance is sought out. We believe that this aspect of our mission is a benefit to worldwide resource conservation. This is a program that we are proud of and does nothing to question the sovereignty of the United States.

Death Valley National Park's participation in the Man in the Biosphere Program is also a recognition that deserves the support of the public. This program recognizes exceptional natural areas in the world that meet certain resource protection standards. If the Park failed to continue to meet these standards, the recognition would be lost. There is no management influence or direction provided by any international entity. Death Valley National Park is owned by the American people and operated for the benefit of all citizens. International visitors are, of course, welcome to enjoy and learn from the Park. (See Appendix D in the revised draft plan).

Draft Environmental Impact Statement

Adequacy/Legal Sufficiency

Comment: The range of alternatives is too narrow to meet requirements of NEPA regulations. Additional actions to better enhance and protect fish, wildlife, and plant resources, and meet NPS policy and congressional intent should be included as alternatives.

Response: 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. 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 guided 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.

Comment: Description and analysis of the three alternatives do not offer sufficient detail to allow a complete comparison, and appear too weak to achieve their stated purpose.

Response: We believe that the 50 pages of text in the 1998 draft plan devoted to describing the proposed action and the two alternatives is of sufficient detail to accomplish the stated planning objectives and address the range of issues for the management of the Park for the first tier planning document. Alternative 3 is brief because it is the same as Alternative 1 except for stated differences. The full text of Alternative 1 is not repeated.

NPS general management plans represent the first phase of tiered planning for parks and provide the overall management framework under which other detailed plans are developed. The NPS planning process involves several levels of planning that become increasingly more detailed and complementary by agreeing first on why the Park was established and what resource conditions and visitor experiences should exist there, and then by becoming increasingly focused on how those conditions should be achieved. Decisions about site-specific actions are deferred to implementation planning when more detailed site-specific analysis would be done.

Affected Environment and Impact Analysis Sections

Comment: The “Affected Environment” and “Environmental Consequences” sections of the Draft Environmental Impact Statement are weak and lack information and documentation for several conclusions drawn. The “Environmental Consequences” section does not contain scientific analysis sufficient for comparing alternatives. Appendixes should be included which substantiate any analysis.

Response: We believe the level of detail in the “Affected Environment” and “Environmental Consequences” sections is commensurate with the broad-scale decisions of this plan. According to the regulations and NPS guidelines, the affected environment section of an environmental impact statement is intended only to give the reader a general understanding of the environment that may experience impact if the proposal or alternatives are implemented. This section is not intended to be a complete description of the environment of Death Valley. Data in this section should be commensurate with the importance of the impact. Data in the affected environment section is also supplemented, as directed by regulations, by appendix material and references. For instance, this plan includes lists of private lands, mining claims, water rights, and species of special consideration in appendixes. It also references numerous other published sources and incorporates by reference a separate analysis of socioeconomic conditions.

Appendixes included are those that were deemed relevant to the analysis. There are also many references cited in the analysis. This is the normal process for an environmental impact statement.

The “Environmental Consequences” section is structured once again to build upon differences between the “Existing Management and Proposed Alternatives.” The discussion in Alternative 2 identifies the major effects of continuing existing management actions on primarily the new lands added to the Park in 1994. Continuing the preservation strategies and existing developments that have occurred for many years

on the old monument lands were not considered major and have been addressed in previous planning and environmental compliance documents. Therefore, the discussion focuses on the major impact topics and builds from the existing management strategy by identifying differences between the proposed alternatives and no action. The “Environmental Consequences” section is also supported by a socioeconomic analysis done under contract and incorporated by reference.

Alternatives

Comment: The description and analysis of the three alternatives do not offer sufficient detail to allow a complete comparison, and appear too weak to achieve their stated purpose.

Response: We believe that the 50 pages of text in the draft plan devoted to describing the proposed action and the two alternatives is of sufficient detail to accomplish the stated planning objectives and address the range of issues for the management of the Park for the first tier planning document. Alternative 3 is brief because it is the same as Alternative 1 except for stated differences. The full text of Alternative 1 is not repeated.

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Comment: The description of alternative 1 is incomplete and does not allow for adequate comparison between alternatives. New data gathered on biological resources since 1989 General Management Plan should have been used to update plan rather than simply extend it to new lands.

Response: We feel that the alternatives descriptions are adequate and comparisons can be made among the various alternatives. The level of detail provided is appropriate for an NPS general management plan, which is the first phase of tiered planning. Many other implementation plans identified on page 51 of the 1998 draft plan are in place (some may need updating) or will be prepared to delineate the specific actions needed to carry out the broad management goals of the management plan. New data on resources is constantly being gathered and considered in Park management actions.

Comment: Where are declared the themes? Alternatives are a collection of action items. Do not give public handle to assist in forming opinions based upon individual desires and needs. Only give people ability to be for or against specific action items.

Response: The theme approach to alternatives was explored and rejected. Such an approach typically creates public voting on alternatives based on titles and often creates an array of unrealistic expectations. In this plan we felt it would be better to present alternatives without titles that are composed of elements that could be considered against each other. This creates an array of alternative choices for issues where public input suggested it was needed, but does not create unnecessary and unrealistic choices where no issues exist. Therefore, if through the consideration of public input, agency mission, and legal requirements it is decided that some component of alternative two or three is preferred over what was in the proposed action, the final plan selected in the record of decision could conceivably consist of elements from all three alternatives. We believe this approach focuses the alternatives on the issues raised during scoping.

Comment: The plan should include reasonable alternatives that are not within the jurisdiction of agency.

Response: We do not believe that creating alternatives for the management of Death Valley that conflict with legislative direction for the Park is consistent with our stated objective of creating an implementable management plan for the area. If we were to evaluate such an alternative and ultimately select that approach as the desired management, we would be creating a management plan that could not be implemented unless Congress agreed with the change and decided to pass legislation to authorize it.

Comment: The plan fails to identify the environmentally preferred alternative.

Response: The Council on Environmental Quality (CEQ) and NPS guidelines on implementing NEPA suggest that the preferred alternative may be identified in the draft plan, but if the agency has no preferred alternative at that time it does not have to be identified. It has to be identified in the final plan. The draft plan did identify the agency proposed action, but that does not necessarily represent the preferred alternative. The council requires that the “environmentally” preferred alternative be identified in the record of decision.

Miscellaneous

Comment: The National Park Service did not solicit input from Vern Bleich or the California Department of Fish and Game.

Response: Several invitations were offered to the California Department of Fish and Game to participate in this planning effort. Personal invitations were made by the team leader to the regional manager to provide a contact for this planning effort. CDF&G personnel attended several briefings on the planning effort where invitations were also made. A written invitation to be a cooperating agency was also sent to the agency, but no response was received. Agency biologists, including Mr. Bleich, were contacted by planning team members in the collection of data for development of the plan.

Comment: At the Furnace Creek meeting did we take detailed notes of the comments and names of those making them, as required by NEPA? Will they be published in the final environmental impact statement?

Response: All public meeting participants were instructed that only written comments would be responded to and a form was provided for those participants that did not want to write a letter. As was explained at the meetings, it is impossible to capture the essence of a public comment provided only orally. In order to be sure that the comment was written accurately, each participant was instructed to write their comments in their own words. The National Environmental Policy Act does not require that oral comments be included.

Comment: The comment period needs to be kept open for the entire NEMO area until 90 days after the third segment is released.

Response: The comment period was kept open for 127 days. The National Park Service GMP planning process is separately funded and extensions such as you suggest are not possible. The Bureau of Land Management’s schedule for release of a draft document has changed several times and it is uncertain how soon their document might actually be released.

Comment: The administrative directive to do regional planning is very sound and should not be violated. The Northern and Eastern Mojave Planning Effort is the only segmented plan.

Response: Unprecedented interagency coordination of issues throughout the desert has also been occurring for nearly five years through the Desert Managers Group (DMG). The DMG consists of senior level managers from the desert national park units (Death Valley, Mojave, and Joshua Tree), the Bureau of Land Management's California Desert District and desert field area offices, the Department of Defense desert facilities (29 Palms Marine Base, Fort Irwin, Edwards Air Force Base, and the Navy's facilities at China Lake), and representatives from California's Department of Parks and Recreation and Department of Fish and Game. This group has been meeting several times each year since 1995 to resolve ecosystem wide issues similar to those that you mention. The DMG has established numerous working committees that focus on science and data management, desert restoration, public education, cultural resources preservation, hazardous materials cleanup, etc. This group has interagency staff working side by side in numerous projects and received the Hammer Award from Vice President Gore in 1996 for Reinventing Government.

The Northern and Eastern Mojave planning effort was never intended to present or propose a single management plan or philosophy for the northern and eastern Mojave, BLM and NPS lands. Instead, it was intended to coordinate the development of these plans and this has been occurring. The administrative draft that attempted to combine each agency's management plans into a single draft environmental impact statement was for too large and complex to be useful. Regardless of the approach, the Bureau of Land Management and the National Park Service must still follow their separate and distinct mandates and policies. The public will be afforded ample opportunity for input into the Bureau of Land Management's management decisions when their draft environmental impact statement is released.

We have indicated since the very first public meeting that NEMO is a coordinated planning effort. We also identified the possibility of a single environmental impact statement or three separate ones.

Comment: *No mitigation measures are offered to offset any negative impacts associated with implementing the proposed plan.*

Response: NEPA regulations call for measures to mitigate adverse impacts, *if not adequately covered by the proposed action or alternatives* (40 CFR 1502.16(h)). The plan covers a legislative change in managing agencies for existing federal lands and their subsequent actions. The proposed action typically protects and enhances the resources over the existing management alternative. The proposed alternative is essentially mitigation for the existing management alternative. Many of the actions proposed would mitigate adverse impacts currently occurring.

Comment: *Public involvement in Nevada has been inadequate. The National Park Service has lacked proactive involvement of adjacent areas during the scoping period of the plan.*

Response: The California Desert Protection Act called for the creation of a Death Valley Advisory Commission, with members appointed by the Secretary of the Interior. The commission's purpose is to advise the Park superintendent on planning. A member of the Nye County Board of Commissioners, was on the Death Valley Advisory Commission. He attended two meetings and has received information on all other meetings. He received correspondence on all activities on the NPS planning effort, including briefings and the draft plan. The National Park Service held over 30 public meetings, three at Furnace Creek, three in Las Vegas, and one in Nye County. All these meetings were advertised in the media and notices were sent to our mailing list.

Future Planning

Comment: The 15 activity planning efforts should be developed and presented as part of the plan, not left for the future.

Response: It would not be feasible to include that amount of detail in this plan. The Park Service believes that if one considers all the material included in the draft plan, that provides the purpose, significance, management objectives, interpretive themes, and desired future conditions, as well as the content of the proposed action, we believe considerable guidance and detail is provided to guide the development of specific activity level plans. The level of detail is consistent with the NPS guidelines and direction for general management plans as the first phase of tiered planning that provide a broad overall management framework for future plans.

General Management Plan

Purpose of Plan

Comment: The description and analysis of the three alternatives do not offer sufficient detail to allow a complete comparison, and appear too weak to achieve their stated purpose.

Response: We believe that the 50 pages of text in the draft plan devoted to describing the proposed action and the two alternatives is of sufficient detail to accomplish the stated planning objectives and address the range of issues for the management of the Park for the first tier planning document. Alternative 3 is brief because it is the same as Alternative 1 except for stated differences. The full text of Alternative 1 is not repeated.

NPS general management plans represent the first phase of tiered planning for parks and provide the overall management framework under which other detailed plans are developed. The NPS planning process involves several levels of planning that become increasingly more detailed and complementary by agreeing first on why the Park was established and what resource conditions and visitor experiences should exist there, and then by becoming increasingly focused on how those conditions should be achieved. Decisions about site-specific actions are deferred to implementation planning when more detailed site-specific analysis would be done.

Comment: The plan is more of an outline of future planning than the plan itself. There is no mechanism to address the cumulative impacts of all of these planning efforts.

Response: This plan is intended to be more prescriptive than detailed with its management direction. This is in response to recent changes in NPS planning at a national level. NPS managers have reported that general management plans that are prepared with greater levels of detail become obsolete quicker and require more revisions.

Public Input

Comment: There is no mention of an annual review or process for the public or other agencies to comment on any changes that Death Valley may deem necessary in the future, after the plan is finalized.

Response: There is no NPS process for annual changes. General management plans are in place for 10–15 years. If any amendments to the general management plan were made in the future, they would be accomplished through the NEPA process involving the public. Future specific management plans would

also involve the public through the NEPA process and through the Death Valley National Park Advisory Commission.

Cooperative Management

Comment: Alternative 1 should include compliance with the memorandum of understanding (MOU) signed between the National Park Service and the California Department of Fish and Game regarding cooperation and coordination between agencies in relation to fish and wildlife issues. If alternative 2 will not achieve compliance with the MOU, state how and why.

Response: We agree that a management objective should be included where suggested to address cooperative management of wildlife with other state and federal agencies. Such an objective has been added (see “Introduction/Management Objectives” section).

We believe that the “Proposed Action” complies with the 1973 amendment to the Memorandum of Understanding between the National Park Service and the California Department of Fish and Game and with the Biodiversity Agreement of 1991.

Cost Summary Table

Comment: Only \$6.5 million of \$28.8 million estimated are targeted for on the ground resource protection and enhancement. This seems out of balance.

Response: The cost estimates included in the draft plan represent class C estimates for the major activities or construction projects. Many of these projects, although involving construction activities, are proposed with resource protection as the goal. Public information, exhibits, walkways, fences, etc. all contribute to resource protection goals. Most of the increased funding and staffing increases identified in the draft plan are also targeted at resource protection through the hiring of additional education, interpretation, resource and maintenance positions. The Park also has additional opportunities each year to seek base funding increases and special short-term project funding for resource protection needs. Funding is anticipated in FY 2000 for burro removals, restoration, hazardous dump cleanup, and ecological monitoring. This funding has a desert-wide focus and projects are being coordinated through the Desert Managers Group and sub-groups of staff specialists.

Development Concept Plan Cost Estimates

Comment: Please explain what the development concept plan is on page 92 of the draft plan.

Response: The table provides rough cost estimates for implementing the development concept plans that are discussed on page 79 of the draft plan. At this time, these are based solely on our perceptions of the needs at these areas and are not a reflection of detailed planning studies. More refined cost estimates would be prepared in the future as plans are refined and details are developed.

Day Use Area Criteria

Comment: Plan should have included guidelines and standards for determining when new day use areas are appropriate.

Response: The wilderness/backcountry use plan would consider the designation of day use areas in the new Park lands. Typically, camping is not permitted if it would conflict with day visitor use or pose a threat to resources or visitor safety.

Desired Future Conditions

Comment: *No desired future conditions are given for habitats.*

Response: Resource conditions are addressed as one element of the “Desired Future Conditions” in terms of the tolerance for resource degradation for each management area, such as wilderness and natural areas.

We agree that sensitive habitats should be specifically highlighted and higher protection standards should be given. Desired future condition statements have been added to address this concern.

We believe the “Proposed Action” is a strong resource preservation approach. It does not propose to expand visitor use developments, but does provide protection for 95% of the Park in a wilderness setting, proposes to remove exotic species such as the burro, proposes to manage grazing and mining, and proposes to protect sensitive species.

Develop Outside Park Instead of at Grapevine

Comment: *Further development in old monument lands, particularly Grapevine ranger station, is not in keeping with the goals of the National Park Service: preserving resources while making them available for the public’s enjoyment.*

Response: The National Park Service encourages the development of public amenities and administrative offices outside of its boundary. However, at times, facilities are needed for public accommodation, safety, and enjoyment. Therefore there are occasions when restrooms, visitor centers, ranger stations, employee housing, and campgrounds are necessary inside the Park. We have examined the option of building outside the Park on Sarcobatus Flat or in the Bonnie Clair area. This is still an option if feasible.

Housing and Facilities

Comment: *Does the Park need housing at Panamint Springs? The commute from Lone Pine is not unreasonable. Consider trading the abandoned Caltrans houses above Panamint Springs to the Panamint Springs owners for some of their land.*

Response: The Park does not anticipate adding employee housing at Panamint Springs. However, the old Caltrans buildings could possibly serve as employee housing if they meet our needs. Your suggestion may also be a good alternative.

Comment: *What about building a duplex unit or two in Wildrose campground? Remove the old houses and relocate the campground.*

Response: Employee housing units at Wildrose are mentioned on page 81 of the 1998 draft plan. Construction of employee housing is a costly issue that requires detailed site planning. It is the intention of the plan to retain housing at Wildrose.

Comment: *There is no mention in the plan about anything to do with restoring Emigrant Ranger Station. Has the proposal been dropped?*

Response: The Park fully intends to restore and maintain this important structure.

Comment: *Isn't it federal policy to rent or lease office space in communities rather than building them?*

Response: The proposed action addresses the potential for obtaining office space, but does not indicate whether it would be built or leased. The cost summary identifies building costs if that course were pursued.

Staffing and Cost Breakdown

Comment: *Incomplete cost, staffing, and resource assignment breakdowns, and inadequate general presentation of future costs, staffing, and resource assignment plans make the understanding of alternatives difficult.*

Response: Existing staffing and funding levels are provided on page 104 of the 1998 draft plan. Actual “on-board staffing” can vary from month to month as positions are vacated and refilled. Future staffing and funding needs are provided only as an indication of the approximate cost of implementing the general management plan. They are not intended to be specific commitments or priorities. Relative priorities are identified for the projects identified in the implementation tables by phases. Developing specific details to obtain funding to implement programs is a complex process that involves preparation of budget documents supported by lengthy documentation. The details are normally based on more detailed activity level planning.

Some of the details you may be seeking regarding the focus of the Park staff and funding is available in the Park’s strategic plan and annual performance plan. Details regarding the breakdown of the existing Park budget and the resource assignment plans may also be available soon via the Internet.

Zoning

Comment: *A section should be included in the General Management Plan that details the zoning process in Death Valley along with a supplementary map of the Park showing these zone boundaries.*

Response: The use of management zones by the National Park Service is changing. The new “Directors Order 2 Planning Guidelines” provide a more flexible approach than previous policies allowed. In Death Valley we see no value added to the general management plan by using management zones. The Park is already subdivided into different management areas, which are generally described on pages 38–40 of the 1998 draft plan under desired future conditions. These management areas, including wilderness, roads, visitor facilities, etc. are identified on various maps provided in the draft plan and final plan.

Comment: *Death Valley, as the largest Park, can afford to allocate some significant lands as “no people zones.”*

Response: NPS regulations and policies provide for the closure of areas of the Park where necessary for resource or visitor protection. However, without compelling reasons for doing so we fail to understand your reasoning why “significant areas” should be human-free. In fact, many areas of Death Valley are rarely, if ever, visited by humans just because of the vastness of the area. Most visitors stick to paved or backcountry roads and few venture out cross-country. There seems to be little evidence to suggest that the current visitor use trends are likely to change anytime soon.

Death Valley Natural History Association

Comment: What is the nature of the fiscal relationship with the Natural History Association?

Response: 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.

Law Enforcement Rangers

Comment: Perhaps a change in training perspective (from police academy) could be effected that would result in a less antagonistic relationship with the backcountry public.

Response: Each year national park rangers assist over 1.3 million visitors in enjoyment of the Park. The Park ranger staff is highly dedicated and professional. They often work long hours, nights, and weekends to help visitors and to protect the Park. Death Valley park rangers have been recognized nationally for heroism in the face of mortal danger. From those visitors, hundreds of complimentary letters, often including donations to the Park, are received. The Park receives about 5–6 complaint letters each year. The complaints are reviewed thoroughly. If a ranger made a mistake he/she is provided counseling and education. A portion of rangers receive training in rescue work, emergency medicine, desert survival and law enforcement. This is both to assist Park visitors and to protect Park resources. Unfortunately, the parks, including Death Valley are not exempt from crime. Rangers must be prepared for this for the safety of the Park visitors and resource protection.

Northern and Eastern Mojave Planning Effort

Coordinated Planning

Comment: The concept of cooperative regional wildlands / natural areas management should not be dropped even though the combined NEMO plan failed. The administrative directive to do regional planning is very sound and should not be violated. NEMO is the only segmented plan. The Death Valley plan must call for some general cooperative efforts for mutual projects in protecting lands.

Response: The National Park Service and Bureau of Land Management have not dropped the concept of cooperative regional management despite the separation of the Northern and Eastern Mojave area into three separate plans. Coordination and discussion of common planning issues occurred for two and one half years before agencies proceeded to prepare separate plans to meet their agency needs. That coordination continues. We have indicated since the very first public meeting that NEMO is a coordinated planning effort. We also identified the options of a single environmental impact statement or three separate ones.

Unprecedented interagency coordination of issues throughout the desert has been occurring for nearly five years through the Desert Managers Group (DMG). The DMG consists of senior level managers from the desert national park units (Death Valley, Mojave, and Joshua Tree), the Bureau of Land Management's California Desert District and desert field area offices, the Department of Defense desert facilities (29 Palms Marine Base, Fort Irwin, Edwards Air Force Base, and the Navy's facilities at China Lake), and representatives from California's Department of Parks and Recreation and Department of Fish and Game. This group has been meeting several times each year since 1995 to resolve ecosystem wide issues similar to those that you mention. The DMG has established numerous working committees that focus on science and data management, desert restoration, public education, cultural resources preservation, hazardous

materials cleanup, etc. This group has interagency staff working side by side in numerous projects and received the Hammer Award from Vice President Gore in 1996 for Reinventing Government.

Combined Plan Versus Separate Ones

Comment: Borax and other parties are disadvantaged since the BLM plan portion of the NEMO planning effort has not been released yet for public comment.

Response: We do not believe that U.S. Borax or other mineral companies are at a disadvantage with the separate management plans being prepared by the Park and the Bureau of Land Management. The Northern and Eastern Mojave planning effort was never intended to present or propose a single management plan or philosophy for the northern and eastern Mojave, BLM and NPS lands. Instead, it was intended to coordinate the development of these plans and this has been occurring. The administrative draft that attempted to combine each agency's management plans into a single draft environmental impact statement was for too large and complex to be useful. Regardless of the approach, the Bureau of Land Management and the National Park Service must still follow their separate and distinct mandates and policies. Our proposed action does not propose any new restrictions on mineral development. An approved plan on a valid existing right must still follow NPS regulations. The public will be afforded ample opportunity for input into the Bureau of Land Management's management decisions when their draft environmental impact statement is released.

Compatible Plans With BLM/USFS

Comment: The planning process has no mechanism for change or annual review, no process for suggestions from the public or other agencies. The plan has no compatibility with BLM, USFS, and USFWS draft plans.

Response: There is no annual review for NPS general management plans. Amendments would have to go through a similar NEPA and public review process as the original plan. Coordinated planning, as was done through the Northern and Eastern Mojave planning effort, does not imply that agency missions are ignored. The NPS preservation mission is quite different from the BLM or USFS missions. Coordinated planning provides a means to recognize where common issues provide opportunities for cooperation and enable us to minimize potential future conflicts.

Separate Summary Document

Comment: There needs to be a separate document that covers and brings together various integrated issues covering the planning area.

Response: A separate summary document that addresses common issues over the entire NEMO planning area is being considered.

Yucca Mountain

Comment: Death Valley must be a participant in any actions that can preserve good water quality for the Park. Death Valley must be a party to the Yucca Mountain High level nuclear waste planning effort.

Response: The Park is participating in the public review process for the *Yucca Mountain Environmental Impact Statement* and is on their mailing list for any information on the project. The Park is an "interested

neighboring agency,” but has no role as formal partner in their planning efforts. The Park has responded to the Department of Energy’s draft environmental impact statement.

Comment: *The Park must attempt to avoid transport of nuclear waste along Park boundaries.*

Response: The Park is aware of the issue of nuclear waste transport. The Park will continue to keep abreast of the situation and advocate strong protections for Park resources and visitors.

APPENDIX A: LIST OF AGENCIES AND ORGANIZATIONS TO WHOM COPIES OF THE 1998 DRAFT ENVIRONMENTAL IMPACT STATEMENT AND GENERAL MANAGEMENT PLAN WERE SENT

Federal Agencies

Department of Agriculture

Natural Resource Conservation Service, Mojave District

Department of the Army

Corp of Engineers, Sacramento District

Corp of Engineers, Los Angeles District

Department of Defense

China Lake Naval Weapons Station

National Training Center, Ft. Irwin

Department of the Interior

Bureau of Indian Affairs, Sacramento

Bureau of Indian Affairs, Southern California Agency, Riverside

Bureau of Land Management, Desert District, Riverside

Bureau of Land Management, State Office, Sacramento

Bureau of Land Management, Barstow Field Office

Bureau of Land Management, Needles Field Office

Bureau of Land Management, Ridgecrest Field Office

Bureau of Land Management, Las Vegas Field Office

Fish and Wildlife Service, Field Office, Ventura

National Park Service, Mojave National Preserve

National Park Service, Regional Office, San Francisco

National Park Service, Denver Service Center

National Park Service, Joshua Tree National Park

National Park Service, Lake Mead National Recreation Area

National Park Service, Death Valley National Park

National Park Service, Washington, D.C.

U.S. Geological Survey, Biological Resources Division, Colorado Plateau

U.S. Geological Survey, Canyon Crest Field Station

Department of Natural Resources and Federal Facilities

Environmental Protection Agency, Region IX

Forest Service, Inyo National Forest

Federal Advisory Groups

Death Valley National Park Advisory Commission

Elected Officials

U.S. Senator Barbara Boxer, California

U.S. Senator Dianne Feinstein, California

U.S. Senator Richard Bryan, Nevada

U.S. Senator Harry Reid, Nevada

U.S. Representative Jerry Lewis, California

U.S. Representative John Ensign, Nevada
U.S. Representative Jim Gibbons, Nevada
Governor Pete Wilson, California

State Agencies

California Department of Fish and Game
California Department of Parks and Recreation
California Department of Transportation, District IX
California State Historic Preservation Officer
California State Lands Commission
Nevada State Historic Preservation Officer
California State University, Fullerton
California State University, Humboldt
Nevada Division of Minerals

Local Agencies

Kern County Board of Supervisors
Inyo County Planning Department
Inyo County Board of Supervisors
Nye County Board of Commissioners
Mono County Planning Department
Baker Community Service District
Supervisor Kathy Davis, San Bernardino County
Los Angeles Department of Water and Power
Clark County, Nevada, Department of Comprehensive Planning
Clark County Department of Parks and Recreation
Esmeralda County Board of Commissioners
City of Los Angeles, Bureau of Engineering

Organizations

Death Valley Chamber of Commerce
Big Pine Chamber of Commerce
Death Valley Natural History Association
The Conservation Fund
National Parks and Conservation Association
The Wilderness Society
Saline Valley Preservation Association
Eastern Sierra Audubon Society
Natural Resources Defense Council
California Deserts Tourism Association
Animal Protection Institute
Blue Ribbon Coalition
Sierra Club, Angeles Chapter
Wild Burro Rescue
Death Valley 49'ers
Hacienda de los Melagros
California Off-Road Vehicle Association
California Association of 4-Wheel Drive Clubs
High Desert Multi-Use Coalition
Climbers Access Fund

People for the West
Bureau of Land Management Lands Foundation
Desert Survivors
Desert Botanical Garden
Restore: The North Woods

Tribal Governments

Timbisha Shoshone Tribe
Pascua Yaqui Tribal Council
Colorado River Tribe

Libraries

California State University, Long Beach Main Library
Balboa Library
Angeles Mesa Library
San Bernardino County Library, Administration
San Bernardino County Library, Barstow Branch
San Bernardino County Library, Needles Branch
San Bernardino County Library, Victorville Branch
Seattle Public Library
Henderson Public Library
Napa City County Library
Shasta County Library
Pasadena Public Library Pasadena Public Library
San Francisco Public Library, Civic Center
Sacramento Central Library
Inyo County Free Library, Bishop Branch Library
Ridgecrest Library
UC Irvine, Main Library
Inyo County Free Library, Lone Pine Branch Library
Inyo County Free Library, Death Valley Branch
Pahrump Library
Beatty Library
University of Nevada, Las Vegas, James R. Dickinson Library
Mohave County Library
Las Vegas Public Library
Sunrise Public Library
Boulder City Library
Calif. State Univ., Northridge, Oviatt Library
Clark County Library
Amargosa Public Library
Nevada State Library

In addition, approximately 350 individuals received either printed or CD-ROM version of the plan. An unknown number of persons viewed the document on the internet.

APPENDIX B: LIST OF COMMENTERS ON THE 1998 DRAFT ENVIRONMENTAL IMPACT STATEMENT AND GENERAL MANAGEMENT PLAN

A., R. L., Irvine, CA	Beit-Ishoo, Gladys, Imperial Beach, CA
Adam, Irene, Culver City, CA, Soc. Cons. Bighorn Sheep	Bell, John, Santa Fe, NM
Adams, Robert, Bakersfield, CA	Bell, Justin, Spokane, WA
Ahrens, Mike, Hemet, CA, CA Assoc of 4 WD Clubs	Benti, Wynne, Bishop, CA, Rancho Los Zdons
Albright, Del, Mokelumne Hill, CA, Land Use Network	Bentley, Billie, Big Pine, CA
Albright, Del, Mokelumne Hill, CA, (Self)	Bentley, Bob, Big Pine, CA
Albright, Del, Sutter Creek, CA, Motherlode Rockcrawlers	Bereki, Debra, Fillmore, CA
Albright, Jerry, Santa Rosa, CA	Bergan, Margaret, Dillard, OR
Allen, Denise, Berkeley, CA	Bergan, Robert, Dillard, OR
Allen, Douglas W., San Diego, CA, Desert Prot. Council	Berman, Jeff F., Chelan Wash, CA
Allen, Harriet, Spring Valley, CA	Berman, Spencer, Oak View, CA
Allen, Janice, Olancho, CA	Berry, Robert, Bishop, CA
Amster, Adolph B., Ridgecrest, CA	Best, Geoff, Grass Valley, CA
Anderson, Ann	Bettles, Alvin, Oakland, CA
Anderson, Ileene, California Native Plant Society	Betts, Peter, Santa Monica, CA
Anderson, W.	Bjornsen, Neil, Pasadena, CA
Angler, Larry, Jackson, CA	Black, Cory, San Francisco, CA
Antler, Barbara, Tarzana, CA	Black, Jeffrey, Albany, CA
Anton, Nancy, Sacramento, CA	Blackburn, John S., Burlingame, CA
Arbogast, Jim, Anaheim, CA	Blair, Robert, Sayville, NY
Artigues, Chuck, Fort Bragg, CA	Blakely, Joseph, Oakland, CA
Atkins, Les, Santa Rosa, CA	Blewett, Jeff, Lodi, CA, California Assoc. 4 WD Clubs
Atwell, Kristin, San Anselmo, CA	Blewett, Jeff, Lodi, CA, Joaquin Jeepers
Austin, Carole, Hemet, CA	Blum, Richard, Berkeley, CA
Austin, Mike, Hemet, CA	Boehl, Bill, Inverness, FL
Ayers, Jeffrey, Butternut, WI	Boehl, Carleen, Inverness, FL
Bachner, Kenneth, Thousand Oaks, CA	Bogart, Peggy, Las Cruces, NM
Bailie, Cyndie, Essex, CA	Boido, Lorenzo, Newbury Park, CA
Bakewell, Robert, San Francisco, CA	Boucher, Carla, Chesapeake, VA, United 4 WD Assoc.
Balcom, Ray, Pinole, CA	Bowles, James K., Ridgecrest, CA, Bowles Desert Ins.
Baldwin, Guy, Bangor, CA	Bowtell, Janet, Bakersfield, CA
Ballard, John, Gardenville, NV	Boyer, Dan, Azusa, CA
Barnes, George, San Francisco, CA, Sierra Club	Boylen, Richard, Oakland, CA
Bartholomew, E. F., Phoenix, AZ	Bradfield, Susan, Palo Cedro, CA
Bartl, Gary L., San Francisco, CA	Bradley, Donna, Reno, NV
Barton, Justin, Bishop, CA	Bradshaw, Les, Pahrump, NV, Dept. of Natural Resources & Federal Facilities, Nye County
Barton, Patricia, Bishop, CA	
Bartsch, Robert, Pasadena, CA	Brandt, Mark
Bartsch, Sonja, Pasadena, CA	Brenner, Barbara, Tehachapi, CA
Beauchamp, Robert, San Francisco, CA	Breunig, Mary, Berkeley, CA
Beck, Donald F., Pamona, CA	Brister, Bob, Oakhurst, CA
Beck, Joan, Bullhead City, AZ, Bullhead 4 WD, Inc.	Britton, Robert G., Duarte, CA
	Brown, Blake T., Santa Barbara, CA
	Brown, David L., Midland, TX
	Brown, Mark, Woodland Hills, CA

Brown, Patricia, Bishop, CA, Brown-Berry Biol.
Consult.
Brown, Stan W., Victorville, CA
Browne, Andrew C., Portola Valley, CA
Buckner, Lynne, San Francisco, CA
Budlong, Thomas, Los Angeles, CA
Buono, Frank, Prineville, OR
Burch, David, San Francisco, CA
Burd, Leslie, El Cerrito, CA
Burgess, Jeff, Tempe, AZ
Burke, Randy, Las Vegas, NV
Burwell, Jeff, Bishop, CA
Bybee, Dave, Los Angeles, CA
Bybee, Dave, Los Angeles, CA, SPA
Callender, R., Fresno, CA
Campbell, Barbara L., Mammoth Lakes, CA
Campbell, Robert E., Mammoth Lakes, CA
Capp, Cynthia, Desert Center, CA
Capp, James, Desert Center, CA
Carlton, Alan, Oakland, CA
Carpenter, Susan, Oceanside, CA
Carroll, Allen, WI
Caselli, Gino A., Hot Springs, MT
Casteel, Mitch, Reno, NV
Castellini, Edgar M., Santa Rosa, CA, World
Stewardship Institute
Cernac, Joe, San Jose, CA
Chamberlain, Barbara, Potrero, CA, Committee for
Responsible Growth
Champion, Donald R., Arcadia, CA
Champion, Paula S., Arcadia, CA
Chase, Rocky, Beatty, NV, Barrick Bullfrog
Chavannes, Jay, Thousand Oaks, CA
Chavannes, Ted, Thousand Oaks, CA
Chontos, Gene & Diana, Onalaska, WA, Wild Burro
Rescue & Preservation Project
Clark, Clifford H., Grover Beach, CA
Claussner, Eberhard, Roselle, IL
Clifton, Donnie G., San Diego, CA
Clifton, Merritt, Clinton, WA, Animal People
Clough, Robert A., Sonora, CA
Cocroft, Neil, Sparks, NV
Cohen, Tony, Santa Rosa, CA
Coleman, Barbara, San Jose, CA
Coleman, J.
Conover, Mark, Cupertino, CA
Cook, Jesse, Fillmore, CA
Cooper, Derek, Ridgecrest, CA
Copoulos, John, San Francisco, CA
Cornett, Tom, Columbia, CA
Corry, Patricia, Helena, MT
Cosgrove, Sherry, Keeler, CA
Counts, Jerry, Canoga Park, CA, AMA-Dist. 37,
Dual Sport Div.
Cousens, Nora, Petaluma, CA

Cousins, James, Phoenix, AZ
Cox, Karen, Nevada City, CA
Crawford, John E., La Jolla, CA
Crawford, Ralph, Palo Alto, CA
Crickmore, Ingrid, Berkeley, CA
D., John, West. Australia
Dahlia, Carl, Cedar City, UT
Dahlia, Timothy, Los Angeles, CA
Dahlquist, Mike, Walnut Creek, CA
Darwin Petition (44 signatures) Darwin, CA
Daskal, Neal, Oakland, CA
Daughenbaugh, Leonard, Bishop, CA
Daughenbaugh, Susan, Bishop, CA
Davenport, Blair, Death Valley, CA, DEVA Staff
Davidson, Bruce, Pleasant Grove, UT
Davis, Kathleen F. P., Bremerton, WA
Davis, Kathy A., San Bernardino, CA, SB Co
Board of Supervisors
Davis, Mark, Mammoth, CA
De Bellis, Tony B., Danville, CA
De Wees, Robert, Glendale, CA
De Witt, William, Amargosa Vall., NV, Funeral
Mtn. Ranch
De Witt, William, Amargosa Valley, NV,
Geneerco, Inc
Delee, Michael, So. Nye County Conservation
District
Delee, Michelle, Amargosa Valley, NV
Denton, Betty S., Bishop, CA
Derrick, George, Big Pine, CA
Dewenter, P. David, Keauau, HI
Dibble, Kenneth, Neosho, WI
Dicker, Debbie, Larkspur, CA
Dickson, Fred, Petaluma, CA, Dickson Brothers
Ranch
Dillon, Patrick M., Fallsburg, NY
Dodd, Douglas W., Bakersfield, CA
Dolan, John, Temple City, CA
Donelson, Bruce, Cave Junction, OR
Donoghue, Gerald, Soquel, CA
Doshier, Ken, Riverside, CA
Drivas, Helen, Durham, NC
Drobish, Hart, Columbia, CA, Courtney Aviation
Dukes, John, San Anselmo, CA
Dundon, Pat, Alameda, CA
Dundon, Patrick E., Pacific Grove, CA
Duvall, Kathy, Bishop, CA
Early, George, San Diego, CA, BLM Lands
Foundation
Eck, Roderick, Columbia, CA, Columbia Vet.
Service
Economou, Constantina, Berkeley, CA
Edwards, Mark, Truckee, CA
Ellis, Mark G., Valencia, CA, U.S. Borax Inc
Elzas, Albert "Emile", Santa Monica, CA

Emmerich, Kevin, Death Valley, CA
 Everett, Peter C., Rumford, Me, Kim & Everett,
 Optometrists
 Faber, Michael A., Menlo Park, CA
 Farrel, David J., San Francisco, CA, EPA
 Farrow, Laura, Mill Valley, CA
 Faulwetter, Stan, Morgan Hill, CA
 Faustman, Fran, Granite Bay, CA
 Feldkamp, I.M., San Bernardino, CA, Hospitality
 Dental Assoc.
 Feldman, James
 Feldman, Sandra
 Finegold, Leonard X., Wallingford, PA
 Finkbine, Steven, San Anselmo, CA, Ancient Ways
 Acupuncture Center
 Fontaine, Joe, Tehachapi, CA
 Fontes, James
 Foran, Art, Clancy, MT
 Ford-Maloney, Julie, Huntington Beach, CA
 Forsell, Tim, Lone Pine, CA
 Fox, Fred, Angwin, CA
 Freeman, C. K., Carson City, NV, NV Div. Cons.
 Districts
 Fritz, Paul, St. George, UT
 Furst, Shawn, Portland, OR
 Ganoë, Don, San Diego, CA
 Ganthner, Ginny, Reno, NV
 Ganthner, John, Reno, NV
 Garcia, Juanita C., Henderson, NV
 Garnett, A. Jack, San Francisco, CA
 Gefell, Michael J.
 Geoghaw, Peter, New York City, NY
 Gervais, Patsy, Manhattan Beach, CA
 Gervais, Roger, Manhattan Beach, CA
 Glenn, Suki, Fallbrook, CA
 Glenn, Tom, Fallbrook, CA
 Goldie, Pete, San Francisco, CA, Advent LB
 Good, Tom, Phoenix, AZ
 Gooding, Lee, Forestville, CA
 Goodweiler, Mickey, Las Vegas, NV
 Goodwin, Russell, North Logan, UT
 Gortatowsky, Jeff
 Goss, Kathy, Darwin, CA
 Gottschalk, Sheldon R., Pahrump, NV
 Graber, Lawrence M., Santa Monica, CA,
 Graham, John L., Hillsborough, CA
 Grandy, Glen, Pasadena, CA
 Greenman, Jessea, Oakland, CA
 Gregory, Sylvia, San Bruno, CA
 Griffith, W. Michael, Topanga, CA
 Griffiths, Gina, Pacifica, CA
 Griffiths, Steven, Pacifica, CA
 Grimes, Christopher, Tehachapi, CA
 Grimsley, Mary L., Ridgecrest, CA, Gear Grinders
 4 WD

Grubbs, John W., Pasadena, CA, Jaguar Consulting
 Guenther, Gary, Mammoth Lakes, CA
 Guith, Norman, Blythe, CA
 Gunnarson, Tom, Frederick, MD, U.S. Ultralight
 Assoc., Inc.
 Halligan, Dave, Berkeley, CA
 Hamilton, Bruce A., Redondo Beach, CA
 Hamilton, Garth, Sonora, CA
 Hancock, Ginger, Newberry Springs, CA,
 Newberry Springs-Harvard Real Property
 Owners Association
 Hanna, Frank, Flagstaff, AZ
 Hanson, Lee, Seal Beach, CA
 Hanson, Ray, Maupin, OR
 Haraldsen, Gary, Aptos Village, CA
 Harbeson, Martin, Mammoth Lakes, CA
 Harder, M. J., Kingsburg, CA
 Harmon, Sandy, Tonopah, NV, Eco. Dev.
 Authority of Esmeralda/Nye Co.
 Harrison, Carol, Petaluma, CA
 Hatcher, Gordon, Berkeley, CA
 Haye, Jeanie S., Ridgecrest, CA, Owens Peak
 Group, Kern Kaweah Ch., Sierra Club
 Haye, Stan, Ridgecrest, CA
 Hayel, Alison M.
 Heacock, Robert S., San Francisco, CA
 Heath, Ted, Riverside, CA
 Heindel, Jo, Big Pine, CA
 Heindel, Tom, Big Pine, CA
 Heit, Elvira T., Bishop, CA
 Heit, Irwin M., Bishop, CA
 Helmer, Bill, Death Valley, CA, Timbisha
 Shoshone Tribe
 Henry, Mary Ann, Ridgecrest, CA
 Herriot, Jim, Palo Alto, CA
 Higgins, Michael J., San Diego, CA
 Hill, Cynthia, Berkeley, CA
 Hill, Steve, Pahrump, NV, Soc. Cons. Bighorn
 Sheep
 Hoar, Brooks, Newport Beach, CA
 Holmes, Nat, Los Gatos, CA
 Hopper, Richard, Culver City, CA
 Houghton, Janice, Big Pine, CA
 Huck, Rainer, Salt Lake City, UT
 Hudson, Monica, Carmel, CA
 Hunter, Jim, Dyer, NV
 Hunter, Juanita, Olancho, CA
 Husmann, Linda, Davis, CA
 Huxtable, George, San Mateo, CA, Death Valley
 Hiker Assoc.
 Huxtable, Wendell W., Los Gatos, CA
 Hymes, Timothy, Lancaster, CA
 Ikerd, L & M, Garberville, CA
 Isaacson, Mark S., Monterey, CA
 Jaeger, Lisa, Mammoth Lakes, CA

Jali, Rick, Mammoth Lakes, CA, Boy Scouts of America, Troop 370
 Jeffers, Scott S., Palmdale, CA
 Jennings, Nancy, Chico, CA
 Jesse, Harold, Palos Verdes, CA
 Jimenez, Alberto, San Luis Obispo, CA
 Jimenez, Judith, San Luis Obispo, CA
 Johansson, Bill, Stockton, CA
 Johnson, Leroy, Bishop, CA
 Johnson, Richard, Tonopah, AZ, Ecology Press
 Johnston-Thomas, Rhonda E.
 Jones II, Cary B., Eugene, OR
 Jordan, Jo Lynn, Oakland, CA
 Joslyn, Jeff, So. Lake Tahoe, CA
 K., Jason, Carson City, NV, NV Dept Water Resources
 Kandel, Cheryl, Encino, CA
 Keller, Michael, West Hollywood, CA
 Kendrick, Sterling, Ridgecrest, CA
 Khalsa, Mha Atma Singh, Los Angeles, CA
 Kiecker, Alan, Apple Valley, MN
 King, Anthony
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