

# Agenda

## County of Inyo Board of Supervisors

Board of Supervisors Room  
County Administrative Center  
224 North Edwards  
Independence, California

All members of the public are encouraged to participate in the discussion of any items on the Agenda. Anyone wishing to speak, please obtain a card from the Board Clerk and indicate each item you would like to discuss. Return the completed card to the Board Clerk before the Board considers the item (s) upon which you wish to speak. You will be allowed to speak about each item before the Board takes action on it.

Any member of the public may also make comments during the scheduled "Public Comment" period on this agenda concerning any subject related to the Board of Supervisors or County Government. No card needs to be submitted in order to speak during the "Public Comment" period.

**Public Notices:** (1) In Compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting please contact the Clerk of the Board at (760) 878-0373. (28 CFR 35.102-35.104 ADA Title II). Notification 48 hours prior to the meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting. Should you because of a disability require appropriate alternative formatting of this agenda, please notify the Clerk of the Board 72 hours prior to the meeting to enable the County to make the agenda available in a reasonable alternative format. (Government Code Section 54954.2). (2) If a writing, that is a public record relating to an agenda item for an open session of a regular meeting of the Board of Supervisors, is distributed less than 72 hours prior to the meeting, the writing shall be available for public inspection at the Office of the Clerk of the Board of Supervisors, 224 N. Edwards, Independence, California and is available per Government Code § 54957.5(b)(1).

**Note:** Historically the Board does break for lunch, the timing of a lunch break is made at the discretion of the Chairperson and at the Board's convenience.

### October 2, 2012

**9:00 a.m. INVOCATION** by Supervisor Richard Cervantes

#### **PLEDGE OF ALLEGIANCE**

**COMMENT** (Portion of the Agenda when Board takes comment from the public and County staff)

1. **PUBLIC COMMENT**
2. **COUNTY DEPARTMENT REPORTS** (Reports limited to two minutes)

**CONSENT AGENDA** (Approval recommended by the County Administrator)

#### COUNTY ADMINISTRATOR

3. **Emergency Services** – Request Board continue the local emergency as a result of the Inyo Complex Oak Creek Mud Flows.
4. **Motor Pool** – Request approval of a blanket purchase order to Bishop Automotive Center for the purchase of vehicle maintenance in the amount of \$10,000 for a total of \$20,000 to this vendor this year.

#### PUBLIC WORKS

5. Request approval of Amendment No. 1 to the Contract between the County of Inyo and Wadell Engineering Corporation for airport engineering services increasing the Contract by \$34,970 for the ESRA Airport Lighting Vault Improvement Project, for a total Contract amount of \$134,776; and authorize the Chairperson to sign, contingent upon the appropriate signatures being approved.

#### DEPARTMENTAL (To be considered at the Board's convenience)

6. **BOARD OF SUPERVISORS – Supervisor Marty Fortney** – Request approval of a proclamation declaring the Week of October 7 through 13, 2012 as Fire Prevention Week in Inyo County.
7. **BOARD OF SUPERVISORS – Supervisor Marty Fortney** – Request Board discussion and consideration of a resolution waiving solid waste disposal and gate fees at the County's landfills for green waste on Saturday, October 13, 2012 to promote Fire Prevention Week and clear zones around structures throughout Inyo County.

8. **PLANNING** – Request Board review the draft Environmental Assessment for the Wilderness and Backcountry Stewardship Plan for Death Valley National Park; approve the correspondence to the Park in regards to the Plan, and authorize the Chairperson to sign.
9. **PUBLIC WORKS** – Request approval of the RFP for trash disposal and optional recycling services at County buildings and facilities for a three year period, prior to advertising and receiving proposals for the service.
10. **TREASURER-TAX COLLECTOR** – Request approval of the Resolution pursuant to the provisions of Article XVI, Section 6 of the California Constitution, thereby approving an interim loan from the County Treasury to the Olancha Community Service District in the aggregate amount of \$20,000 for the purpose of financing the District's operational costs during the 2012/13 fiscal year prior to receipt of the District's annual property tax apportionment.
11. **HEALTH AND HUMAN SERVICES – ESAAA** – The Board of Supervisors/Eastern Sierra Area Agency on Aging Governing Board will receive and discuss updates regarding current issues affecting the delivery of senior services in Inyo County and the Eastern Sierra encompassed by Public Service Area 16, providing direction as appropriate.

**TIMED ITEMS** (Items will not be considered before scheduled time)

**CORRESPONDENCE - ACTION**

**BOARD MEMBERS AND STAFF REPORTS**

**COMMENT** (Portion of the Agenda when the Board takes comment from the public and County staff)

12. **PUBLIC COMMENT**

**CLOSED SESSION**

13. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [PURSUANT TO GOVERNMENT CODE §54956.9(a)]** – *B3 PARTNERS, LLC, an Oregon limited liability company v. The County of Inyo; the Inyo County Board of Supervisors, et al.*, Inyo County Superior Court Case No. SICV CV 1253471.
14. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [PURSUANT TO GOVERNMENT CODE §54956.9(a)]** – *Center for Biological Diversity, a non-profit public interest corporation; Public Employees for Environmental Responsibility, a national non-profit alliance of local, state and federal resource professionals, v. Inyo County and Inyo County Board of Supervisors*, Inyo County Superior Court Case No. SICVPT 12-53821.
15. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6]** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Deputy Sheriffs Association (DSA) - Negotiators: Labor Relations Administrator Sue Dishion, Information Services Director Brandon Shults, and Planning Director Josh Hart.
16. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6]** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Elected Officials Assistants Association (EOAA) - Negotiators: Chief Probation Officer Jeff Thomson and Labor Relations Administrator Sue Dishion.
17. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6]** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Inyo County Correctional Officers Association (ICCOA) - Negotiators: Labor Relations Administrator Sue Dishion.
18. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6]** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: ICEA - Negotiators: Labor Relations Administrator Sue Dishion, Director of Child Support Services Susanne Rizo, Chief Probation Officer Jeff Thomson.

19. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code § 54957.6].** – Instructions to Negotiators re: wages, salaries and benefits – Employee Organization: Inyo County Probation Peace Officers Association (ICPPOA) – Negotiators: CAO Kevin Carunchio and Labor Relations Administrator Sue Dishion.
20. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6]** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Law Enforcement Administrators Association (LEAA) - Negotiators: CAO Kevin Carunchio and Labor Relations Administrator Sue Dishion.
21. **CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code §54957.6]** - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Law Enforcement Administrators Association (LEAA) - Negotiators: CAO Kevin Carunchio and Labor Relations Administrator Sue Dishion.
22. **PERSONNEL [Pursuant to Government Code §54957]** – Public Employee performance Evaluation – Title – Interim Director of Public Works.

**REPORT ON CLOSED SESSION AS REQUIRED BY LAW**

**CORRESPONDENCE - INFORMATIONAL**



**AGENDA REQUEST FORM**  
BOARD OF SUPERVISORS  
COUNTY OF INYO

For Clerk's Use Only:  
AGENDA NUMBER

3

- Consent     Departmental     Correspondence Action     Public Hearing  
 Scheduled Time for     Closed Session     Informational

**FROM:** Kevin D. Carunchio, County Administrator

**FOR THE BOARD MEETING OF** October 2, 2012

**SUBJECT:** Continuation of declaration of local emergency

**DEPARTMENTAL RECOMMENDATION:** - Request Board continue the local emergency as a result of the Inyo Complex Oak Creek Mud Flows.

**SUMMARY DISCUSSION:** - During your August 5, 2008 Board of Supervisors meeting your Board took action to continue the local emergency, which was a result of the Inyo Complex Oak Creek Mud Flows. Since the circumstances and conditions relating to this emergency persist, your Board directed that the continuation of the declaration be considered on a week-to-week basis. The recommendation is that the emergency be continued until the permanent diversions are in place. LADWP has notified your Board that the completion of the project is expected for sometime this fall. Therefore, it is recommended that your Board continue the emergency.

**ALTERNATIVES:** N/A

**OTHER AGENCY INVOLVEMENT:** N/A

**FINANCING:** N/A

**APPROVALS**

COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS (Must be reviewed and approved by county counsel prior to submission to the board clerk.)  Approved: _____ Date _____
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS (Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)  Approved: _____ Date _____
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)  Approved: _____ Date _____

**DEPARTMENT HEAD SIGNATURE:**  
(Not to be signed until all approvals are received) \_\_\_\_\_ Date: \_\_\_\_\_  
(The Original plus 20 copies of this document are required)



**AGENDA REQUEST FORM**  
BOARD OF SUPERVISORS  
COUNTY OF INYO

For Clerk's Use Only:  
**AGENDA NUMBER**  
  
4

- Consent     Departmental     Correspondence Action     Public Hearing  
 Scheduled Time for     Closed Session     Informational

**FROM:** Motor Pool

**FOR THE BOARD MEETING OF:** oct 2  
September 25, 2012

**SUBJECT:** Authorization to issue blanket purchase order for vehicle maintenance

**DEPARTMENTAL RECOMMENDATION:** Authorize the issuance of blanket purchase order to the vendor listed below for vehicle maintenance. Motor Pool currently has blanket purchase orders with several vehicle repair vendors and needs to increase the purchase order amount for the vendor listed here by \$10,000.00 for a total amount of \$20,000.

<u>VENDOR</u>	<u>AMOUNT</u>
Bishop Automotive Center	\$10,000

**SUMMARY DISCUSSION:** The Motor Pool utilizes outside vendors to execute the preventative maintenance and repair of approximately 200 vehicles in the Motor Pool fleet. Motor Pool is requesting authorization to issue, or in this case, increase blanket purchase order in amount listed above. This purchase order will expedite repairs, allowing Motor Pool to process payments to this vendor in a more timely manner. The issuance of this purchase order will not negate the requirement of getting verbal or written quotes for individual purchases, in accordance with the County Purchasing Policy.

**ALTERNATIVES:** Your Board could choose not to authorize the issuance of this blanket purchase order or modify the amount. In the event that the blanket purchase order is not issued, the procedure of preparing a purchase order for the individual purchase would be used. The effect of this, however, may increase the down time for motor pool vehicles.

**OTHER AGENCY INVOLVEMENT:**

**FINANCING:** Included in the Motor Pool budget for the 2012/2013 fiscal year budget 200100 object code 5171.

**APPROVALS**

COUNTY COUNSEL: 	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS (Must be reviewed and approved by county counsel prior to submission to the board clerk.)  Approved: <u>yes</u> Date <u>9/18/2012</u>
AUDITOR/CONTROLLER: 	ACCOUNTING/FINANCE AND RELATED ITEMS (Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)  Approved: <u>Yes</u> Date <u>9/21/12</u>
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)  Approved: _____ Date _____

**DEPARTMENT HEAD SIGNATURE:**  Date: 09-14-2012  
(Not to be signed until all approvals are received)



**AGENDA REQUEST FORM**  
**BOARD OF SUPERVISORS**  
**COUNTY OF INYO**

- Consent     Departmental     Correspondence Action     Public Hearing  
 Schedule time for     Closed Session     Informational

For Clerk's Use  
Only:

AGENDA NUMBER

5

FROM: Public Works Department

FOR THE BOARD MEETING OF: October 2, 2013

SUBJECT: Approval of Amendment No. 1 for airport engineering services with Wadell Engineering Corporation of Burlingame, California for the Eastern Sierra Regional Airport (ESRA) – Airport Lighting Vault Improvements.

**DEPARTMENTAL RECOMMENDATIONS:**

1. Request your board approve Amendment No. 1 to County of Inyo Standard Contract No. 156 between the County of Inyo and Wadell Engineering Corporation (Wadell) for airport engineering services in an amount not to exceed \$34,970.00 for the ESRA – Airport Lighting Vault Improvement Project increasing the total contract amount from \$99,806.00 to \$134,776.00;
2. Authorize the chairperson to execute the contract, contingent upon obtaining appropriate signatures and upon adoption of the fiscal year 2012/2013 and future budgets.

**CAO RECOMMENDATION:**

**SUMMARY DISCUSSION:** Wadell recently completed engineering design and plan preparation for the ESRA – Airport Lighting Vault Improvement Project. Bids for the project opened on August 20, 2012, and on September 25, 2012, the Board of Supervisors awarded the construction contract for the project to Speiss Construction Company Inc. for Santa Maria, California.

The scope of work for the project generally consists of manufacturing, furnishing and installing a new 12-foot wide by 21-foot long precast concrete lighting vault with complete, new, factory-installed power and control systems, including six 7.5 KW ferroresonant regulators, and a partitioned room housing a new 150 KW standby generator; extension of the power service from the old vault to the new vault; relocation as necessary and connection of lighting systems to the new vault, and; removal of the existing airport lighting systems from the existing vault. The existing vault will be cleaned and painted for use as a storage shed. Construction of the project will have little impact on the airside operations at the airport.

The Public Works Department has a shortage of staff that are qualified to perform construction inspection for an electrical construction project that is federally funded. The Public Works Department has requested that Wadell provide construction support services during construction of the project. Construction support services will include periodic site visits (up to five visits), attending the preconstruction conference, review of contractor submittals, onsite construction observation during critical work periods, offsite inspection of the new vault at the manufacture's plant, review of the contractor's work schedule, preparation of weekly and monthly reports, wage rate interviews, field order and change order processing, final inspection, preparation of the punch list, preparation of record drawings, and updating the Airport Layout Plan. Additionally, Wadell needs to be involved in the construction project because they must approve any changes to the plans. Therefore, the Public Works Department is requesting approval of this contract amendment.

**ALTERNATIVES:** The Board could choose not to approve Amendment No. 1 to Wadell's contract. This is not recommended, because the Public Works Department does not have qualified staff, and the design engineer needs to be involved in the construction project.

**OTHER AGENCY INVOLVEMENT:**

The auditor's office to make payments to the consultant;  
County counsel to review and approve Amendment No. 1;  
Risk management to review and approve Amendment No. 1

**FINANCING:** The project is funded by the Federal Aviation Administration's (FAA's) Airport Capital Improvement Program (ACIP), which will reimburse the county for 90 percent of the total cost of construction support services, and by a California Aviation Administrations' Matching (CAAP) Grant, which will reimburse the county for 4.5 percent of the total cost of construction support services. The cost of construction support services will be paid through budget unit 630303, Eastern Sierra Regional (Bishop) Airport Improvement Projects, object code 5265, Professional and Special Services.

**APPROVALS**

COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS (Must be reviewed and approved by County Counsel prior to submission to the board clerk.) <i>Nauam C.</i> Approved: <u>yes</u> Date <u>9/20/12</u>
AUDITOR/CONTROLLER	ACCOUNTING/FINANCE AND RELATED ITEMS (Must be reviewed and approved by the auditor/controller prior to submission to the board clerk.) <i>Leslie R. Chapman</i> Approved: <u>✓</u> Date <u>9/25/12</u>
PERSONNEL DIRECTOR	PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.) Approved: _____ Date _____

**DEPARTMENT HEAD SIGNATURE:**

(Not to be signed until all approvals are received) *Lyn M. Flanigan* Date: 9/26/12

**AMENDMENT NUMBER 1 TO THE  
AGREEMENT BETWEEN THE COUNTY OF INYO  
and Wadell Engineering Corporation  
FOR THE PROVISION OF AIRPORT ENGINEERING SERVICES  
FOR THE EASTERN SIERRA REGIONAL AIRPORT – AIRPORT LIGHTING VAULT  
IMPROVEMENT PROJECT**

**WHEREAS**, the County of Inyo (hereinafter referred to as “County”) and Wadell Engineering Corporation of Burlingame, California (hereinafter referred to as “Consultant”), have entered into an Agreement for the provision of airport engineering services dated July 17, 2012, on County of Inyo Standard Contract No. 156, for the term from July 17, 2012 to December 30, 2014.

**WHEREAS**, County and Consultant do desire and consent to amend such Agreement as set forth below;

**WHEREAS**, such Agreement provides that it may be modified, amended, changed, added to, or subtracted from, by the mutual consent of the parties thereto, if such amendment or change is in written form, and executed with the same formalities as such Agreement, and attached to the original Agreement to maintain continuity.

County and Consultant hereby amend such Agreement as follows:

2. Section 3D, Limit upon amount payable under Agreement. The first sentence is revised as follows:

“The total sum of all payments made by the County to Consultant for services and work performed under this Agreement, including travel and per diem payments, if any, shall not exceed One Hundred Thirty-Four Thousand, Seven Hundred Seventy-Six Dollars and No Cents (\$134,776.00) (hereinafter referred to as “Contract limit”).

3. Attachment A to the Contract, Scope of Work, shall be revised to include the additional tasks required for airport engineering services for the Eastern Sierra Regional Airport – Airport Lighting Vault Improvement Project as described in the Consultant’s proposal entitled *Exhibit A, Amendment 1 – Airport Lighting Vault Improvements, Construction Contract Support Services*, which is included in Attachment A1 to the Contract.
4. For the scope of work described in Attachment A1 to the Contract, the Consultant will be compensated at the lump-sum, not-to-exceed, fixed-price fees which are described in Attachment B1 to the Contract.

The effective date of this amendment to the Agreement is October 9, 2012.

All other terms and conditions of the Agreement are unchanged and shall remain the same.

**AMENDMENT NUMBER 1 TO THE  
AGREEMENT BETWEEN THE COUNTY OF INYO  
and Wadell Engineering Corporation  
FOR THE PROVISION OF AIRPORT ENGINEERING SERVICES  
FOR THE EASTERN SIERRA REGIONAL AIRPORT – AIRPORT LIGHTING VAULT  
IMPROVEMENT PROJECT**

IN WITNESS THEREOF, THE PARTIES HERETO HAVE SET THEIR HANDS AND SEALS THIS  
\_\_\_\_ DAY OF \_\_\_\_\_, 2012.

**COUNTY OF INYO**

**CONSULTANT**

By: \_\_\_\_\_

By: \_\_\_\_\_

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

Taxpayer's Identification Number:  
\_\_\_\_\_

APPROVED AS TO FORM AND  
LEGALITY:

\_\_\_\_\_  
County Counsel

APPROVED AS TO ACCOUNTING  
FORM:

\_\_\_\_\_  
County Auditor

APPROVED AS TO PERSONNEL  
REQUIREMENTS:

\_\_\_\_\_  
Director of Personnel Services

APPROVED AS TO RISK ASSESSMENT:

\_\_\_\_\_  
County Risk Manager

**ATTACHMENT A1**

**AMENDMENT NUMBER 1 TO THE  
AGREEMENT BETWEEN THE COUNTY OF INYO  
and Wadell Engineering Corporation  
FOR THE PROVISION OF AIRPORT ENGINEERING SERVICES  
FOR THE EASTERN SIERRA REGIONAL AIRPORT – AIRPORT LIGHTING VAULT  
IMPROVEMENT PROJECT**

**TERM:**

**FROM:** July 17, 2012      **TO:** December 30, 2014

**SCOPE OF WORK:**

The scope of work described in the original Contract, dated July 17, 2012, is revised to include additional tasks required for construction support services for the Eastern Sierra Regional Airport – Airport Lighting Vault Improvement Project as described in the Consultant’s proposal entitled *Exhibit A, Amendment 1 – Airport Lighting Vault Improvements, Construction Contract Support Services*, which is included in Attachment A1 to this amendment.

**EXHIBIT A**  
**AMENDMENT 1 – AIRPORT LIGHTING VAULT IMPROVEMENTS**  
**CONSTRUCTION CONTRACT SUPPORT SERVICES**

**PROJECT TITLE: EASTERN SIERRA REGIONAL AIRPORT**  
**AIRPORT LIGHTING VAULT IMPROVEMENTS CONSTRUCTION PHASE**  
**AIP #03-06-0024-013-2012**

**SCOPE OF SERVICES:**

The CONSULTANT will provide part time construction observation and contract administration services for the Eastern Sierra Regional Airport Lighting Vault Project. The services include monitoring the construction project to determine if the construction is in accordance with the plans and specifications. Up to 5 site visits will be provided. The OWNER will provide day to day periodic site visits to observe construction utilizing OWNER engineers/inspectors. The CONSULTANT will incorporate OWNER reporting as appropriate in the final project documents. The CONSULTANT will provide testing of a foundation concrete sample for the project.

The services include organization and attendance at the preconstruction conference, preparation of meeting minutes, review of contractor construction management program, coordinating the notice to proceed, review and processing of contractor submittals and requests for information, on-site construction observation during critical work periods, off-site pre-shipping review of new modular airport lighting vault, office support during construction, review and acceptance of contractor work schedule, review of contractor work relative to plans and specifications, review of quantities and payment requests, preparation of weekly and monthly reports, wage rate interviews, field order and change order processing, pre-final construction punch list during a site visit, final inspection and preparation of record drawings based on contractor furnished as-built submittals, and final engineer's report. The Airport Layout Plan will be updated to reflect the new improvements upon completion.

CONSULTANT and OWNER are not responsible for the construction means, methods, techniques, sequences, and safety at the site. The construction contractor has sole responsibility for these activities. The Consultant is a design professional firm that provides no construction or building services.

**SCHEDULE OF SERVICES:**

The construction contractor is allowed 120 calendar days for performance of the work. The Construction Phase Services shall be undertaken after the contract award and shall continue until 60 days after final inspection and closeout of the construction contract by the Owner.

**COMPENSATION:**

The OWNER agrees to pay CONSULTANT for services performed under the conditions of this agreement the lump sum fixed price amount of thirty-four thousand nine hundred and seventy dollars (\$34,970.00) for the Construction Work Phase. The compensation includes reimbursement for all labor, travel, lodging, meals, and supplies during the construction phase.

END OF DOCUMENT

ATTACHMENT B1

AMENDMENT NUMBER 1 TO THE  
AGREEMENT BETWEEN THE COUNTY OF INYO  
and Wadell Engineering Corporation  
FOR THE PROVISION OF AIRPORT ENGINEERING SERVICES  
FOR THE EASTERN SIERRA REGIONAL AIRPORT – AIRPORT LIGHTING VAULT  
IMPROVEMENT PROJECT

TERM:

FROM: July 17, 2012 TO: December 30, 2014

SCHEDULE OF FEES:

The contractor shall be compensated at the lump-sum, not-to-exceed, fixed-price of **Thirty-four thousand, nine hundred seventy dollars and no cents (\$34,970.00)** for the services described in Attachment A to the contract, *Scope of Work*.

Periodic payments shall be made as follows upon completion of each task:

Task 1: Preconstruction Activities	\$4,600.00
Task 2: Geotechnical Program and Testing	\$1,600.00
Task 3: Office Support	\$4,720.00
Task 4: Field Operations	\$14,435.00
Task 5: Project Completion	\$ 9,615.00

ATTACHMENT C1

AMENDMENT NUMBER 1 TO THE  
AGREEMENT BETWEEN THE COUNTY OF INYO  
and Wadell Engineering Corporation  
FOR THE PROVISION OF AIRPORT ENGINEERING SERVICES  
FOR THE EASTERN SIERRA REGIONAL AIRPORT – AIRPORT LIGHTING VAULT  
IMPROVEMENT PROJECT

TERM:

FROM: July 17, 2012 TO: December 30, 2014

SCHEDULE OF TRAVEL PAYMENTS:

Travel and per diem payment shall not apply to this amendment. The Contractor will be compensated at the lump-sum, not-to-exceed, fixed-price fees identified in Attachment B to the Amendment No. 1.



**AGENDA REQUEST FORM**  
**BOARD OF SUPERVISORS**  
**COUNTY OF INYO**

For Clerk's Use Only:  
**AGENDA NUMBER**  
 6

- Consent     Departmental     Correspondence Action     Public Hearing  
 Scheduled Time for     Closed Session     Informational

**FROM:** Supervisor Marty Fortney

**FOR THE BOARD MEETING OF:** October 2, 2012

**SUBJECT:** Proclamation declaring week of October 7-13 Fire Prevention Week

**DEPARTMENTAL RECOMMENDATION:** - Request Board approve a proclamation declaring the Week of October 7 through 13, 2012 as Fire Prevention Week in Inyo County.

**SUMMARY DISCUSSION:** the Inyo County Fire Chief's Association has requested that the Board proclaim the Week of October 7 through 13, 2012 as Fire Prevention Week in Inyo County. This is the week set aside to promote and highlight the importance of fire prevention, i.e., the planning, development and practice of home fire escape plan, installation and proper maintenance of smoke alarms, public education, etc. With the recent number of wild fires in the County that have resulted in homes and other structures being damaged and/or destroyed, it is important to remind our citizens and residents to remain vigilant of the dangers of fire. This proclamation, along with the public outreach of the County's fire and emergency services is the opportunity to help our citizen's in their fire prevention awareness and preparedness. Therefore, I am requesting our Board approve the proclamation declaring the Week of October 7 through 13, 2012 as Fire Prevention Week in Inyo County.

**ALTERNATIVES:** N/A

**OTHER AGENCY INVOLVEMENT:** - This proclamation was brought forward by the members of the Inyo County Fire Chief's Association.

**FINANCING:** - There is no fiscal impact associated with this action.

<b><u>APPROVALS</u></b>	
COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by county counsel prior to submission to the Assistant Clerk of the Board.)</i>  Approved: _____ Date _____
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the auditor-controller prior to submission to the Assistant Clerk of the Board.)</i>  Approved: _____ Date _____
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the director of personnel services prior to submission to the Assistant Clerk of the Board.)</i>  Approved: _____ Date _____

**DEPARTMENT HEAD SIGNATURE:**

(Not to be signed until all approvals are received)  
 (The Original plus 20 copies of this document are required)

*Marty Fortney*

Date: \_\_\_\_\_

**PROCLAMATION  
OF THE BOARD OF SUPERVISORS  
COUNTY OF INYO, STATE OF CALIFORNIA  
PROCLAIMING THE WEEK OF OCTOBER 7 THROUGH 13, 2012  
AS FIRE PREVENTION WEEK**

**WHEREAS**, the County of Inyo is committed to ensuring the safety and security of all those living in and visiting our county; and

**WHEREAS**, fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire; and

**WHEREAS**, home fires killed more than 2,600 people in the United States in 2010, according to the latest research from the nonprofit National Fire Protection Association (NFPA), and fire departments in the United States responded to more than 369,000 home fires; and

**WHEREAS**, residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and

**WHEREAS**, only one-third of Americans have both developed and practiced a home fire escape plan, and

**WHEREAS**, almost three-quarters of Americans do have an escape plan; however, less than half have actually practiced it, and

**WHEREAS**, one-third of Americans households who made one have estimated they thought they would have at least 6 minutes before a fire in their home would become life threatening whereas in reality the time available is often less, and

**WHEREAS**, working smoke alarms cut the risk of dying in reported home fires in half; and

**WHEREAS**, Inyo County's first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

**WHEREAS**, Inyo County's residents are responsive to public education measures and are able to take personal steps to increase their safety from fire, especially in their homes; and

**WHEREAS**, the 2012 Fire Prevention Week theme, "Have Two Ways Out!" effectively serves to remind us to develop and practice a home fire escape plans during Fire Prevention Week and year-round.

**NOW THEREFORE BE IT PROCLAIMED**, this 2<sup>nd</sup> day of October, 2012, that the Inyo County Board of Supervisors do hereby declare the week of October 7 through 13, 2012, as Fire Prevention Week in Inyo County, urging all the people of the County to practice their home fire escape plan during Fire Prevention Week 2012, and to support the many public safety activities and efforts of Inyo County's fire and emergency services.

---

*Chairperson, Inyo County Board of Supervisors*

Attest: *RONALD JULIFF*  
*Clerk of the Board*

by: \_\_\_\_\_  
*Patricia Gunsolley, Assistant*



**AGENDA REQUEST FORM**  
**BOARD OF SUPERVISORS**  
**COUNTY OF INYO**

For Clerk's Use Only:  
**AGENDA NUMBER**  
 7

- Consent   
  Departmental   
  Correspondence Action   
  Public Hearing  
 Scheduled Time for   
  Closed Session   
  Informational

**FROM:** Supervisor Marty Fortney

**FOR THE BOARD MEETING OF:** October 2, 2012

**SUBJECT:** Consideration of waiver of fees for disposal of green waste at County landfills on Saturday, October 13, 2012 to promote Fire Prevention Week.

**DEPARTMENTAL RECOMMENDATION:** - Request Board discussion and consideration of a Resolution waiving solid waste disposal and gate fees at the County's landfills for green waste on Saturday, October 13, 2012 to promote Fire Prevention Week and clear zones around structures throughout Inyo County.

**SUMMARY DISCUSSION:** Inyo County has experienced several devastating wildfires over the past several years that have destroyed numerous structures. One of the best ways to protect structures from fire damage is to keep all vegetation (green waste) cleared away from the structure. Additionally once these clear zones are created the firefighters have a better opportunity to keep fire away from the structure. Since October 7<sup>th</sup> through the 13<sup>th</sup> is Fire Prevention Week, I am asking our Board to consider waiving the disposal and gate fees for green waste on Saturday, October 13, 2012, at the County's landfills to help promote green waste clean-up around structures throughout the County. I believe that by waiving the fees the County can promote the importance of cleaning up vegetation to help protect the public's health and safety through the removal and disposal of green waste. An example of how this is beneficial can be seen in the County's hazardous waste disposal program where several days a year the household hazardous waste disposal fees are waived so that the waste can be properly disposed of at our landfills. I believe that the benefit far out weighs the loss of revenue that might be generated on one Saturday as a result of green waste being disposed of free of charge, and ask the Board to consider approving the attached resolution waiving the disposal and gate fees for green waste on Saturday October 13, 2012.

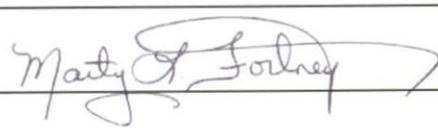
**ALTERNATIVES:** - Our Board could choose to not waive these fees. I do not recommend this because the waiver of the fees is an incentive for our constituents to clear vegetation from around their structures which is important to local fire prevention efforts.

**OTHER AGENCY INVOLVEMENT:** - N/A

**FINANCING:** There is a minimal amount of revenue that may be lost as a result of the waiver of these fees.

<b>APPROVALS</b>	
COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by county counsel prior to submission to the Assistant Clerk of the Board.)</i>  Approved: <u>yes</u> Date <u>9.26.12</u>
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the auditor-controller prior to submission to the Assistant Clerk of the Board.)</i> Approved: _____ Date _____
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the director of personnel services prior to submission to the Assistant Clerk of the Board.)</i> Approved: _____ Date _____

**DEPARTMENT HEAD SIGNATURE:**  
 (Not to be signed until all approvals are received)  
 (The Original plus 20 copies of this document are required)

 Date: \_\_\_\_\_

**Resolution No. 2012-**  
**A RESOLUTION OF THE BOARD OF SUPERVISOR, COUNTY OF INYO, STATE OF CALIFORNIA, WAIVING SOLID WASTE DISPOSAL AND GATE FEES AT COUNTY LANDFILLS FOR GREEN WASTE DEBRIS ON SATURDAY OCTOBER 13, 2012**

**WHEREAS**, October of each year is recognized as Fire Prevention Month, and

**WHEREAS** over the past several years many of the communities in the Owens Valley have experienced devastation from catastrophic wild fires that damaged or destroyed numerous structures; and

**WHEREAS**, one of the most effective ways to protect structures, as well as their occupants from fire is to create clear zones around structures by removing brush, debris, etc.; and

**WHEREAS**, the creation of clear zones requires property owners to remove and properly dispose of green waste debris at a County landfill; and

**WHEREAS**, it would benefit public health and safety to encourage the creation of clear zones and the subsequent disposal of the green waste debris in County landfills; and

**WHEREAS**, waving disposal fees for placing green waste debris in County landfills for one day on Saturday, October 13, 2012 would encourage the timely and appropriate disposition of this debris; and

**WHEREAS**, waiving disposal fees would additionally serve to help promote fire safety throughout our communities.

**NOW, THEREFORE, BE IT RESOLVED** that the Inyo County Board of Supervisors, pursuant to Section 7.10.080 of the Inyo County Code, hereby waives gate and waste disposal fees for the disposal of green waste debris at the County's landfills on Saturday, October 13, 2012.

**PASSED AND ADOPTED** on this 2<sup>nd</sup> day of October, 2012, by the Inyo County Board of Supervisors, County of Inyo, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

---

Marty Fortney, Chairperson  
Inyo County Board of Supervisors

Attest: *KEVIN D. CARUNCHIO*  
*Clerk of the Board*

by: \_\_\_\_\_  
*Patricia Gunsolley, Assistant*

**7.10.060 Loitering—Removal of salvage.**

A. Except as directed by the gate attendant at a county landfill, it is unlawful for any person in or upon any landfill or disposal site to salvage or collect therein, or remove therefrom, any trash, junk or other materials or substances whatsoever.

B. It is unlawful for any person in or upon any landfill or disposal site to enter, remain or loiter therein for any purpose except the purposes authorized herein.

C. Nothing contained in this section shall be construed to prevent the board or the director from authorizing, or contracting for the removal of junk or other materials from a county landfill or disposal site. (Ord. 1138 § V, 2008; Ord. 238 § VI, 1973.)

**7.10.070 Solid waste from outside county.**

A. Solid waste from outside of the county shall not be accepted on any county landfill or disposal site except by express authorization of the board, except in cases of an emergency, authorization may be granted by the director.

B. For the purposes of this section, it shall be presumed that any solid waste brought to or deposited, dumped or placed by any person who is not an inhabitant of the county and not regularly engaged in the business of collecting of solid waste in the county, is solid waste originating outside the county.

C. All persons authorized to deposit, dump or place solid waste originating outside the county shall be charged the applicable fee established by the board under the provisions of Section 7.10.080 for the privilege of depositing, dumping or placing such solid waste in or upon any county landfill or disposal site unless a prior agreement has been approved by the board setting forth different terms and conditions. (Ord. 238 § VII, 1973.)

**7.10.080 Charges.**

A. The board may by resolution establish fee schedules and regulations governing the collection of fees for the use of the facilities at any county operated landfill or disposal site, and may change, adjust or otherwise alter such regulations and fee schedules as the board may deem necessary. Such fees may be charged on either a tonnage or yardage basis, or both, as prescribed by the board.

B. All persons when using the facilities at any county operated landfill or disposal site shall pay the fee in accordance with the regulations established by the board pursuant to this section and shall be furnished a receipt therefor.

C. The board of supervisors of Inyo County is authorized to adopt fee schedules applicable to all property tax-exempt entities and to all nonresident contractors to compensate for the direct services, and use, of a refuse disposal site provided to them by the county. Said fee schedules shall be adopted by a resolution of the board of supervisors.

D. In the event of a declared local, state or federal state of emergency, or to alleviate threats to the public health or safety, the board of supervisors may by resolution waive solid waste disposal fees for classes of persons affected by the emergency or threat to public health or safety. (Ord. 1138 § IV, 2008; Ord. 278 § 1, 1975; Ord. 238 § VIII, 1973.)

**7.10.090 Checker collector.**

A. At any county operated landfill or disposal site where regulations and fee schedules have been established by the board, the department shall designate a county employee or employees to evaluate and set charges and collect fees.

B. It shall be the duty of the checker collector on duty to designate the fee to be charged in accordance with the regulations and fee schedule established by the board and provide a receipt therefor. (Ord. 238 § IX, 1973.)



**AGENDA REQUEST FORM**  
BOARD OF SUPERVISORS  
COUNTY OF INYO

For Clerk's Use Only:  
AGENDA NUMBER  
8

- Consent     Departmental     Correspondence Action     Public Hearing  
 Scheduled Time for     Closed Session     Informational

**FROM:** Inyo County Planning Department

**FOR THE BOARD MEETING OF:** October 2, 2012

**SUBJECT:** Wilderness and Backcountry Stewardship Plan for Death Valley National Park

**DEPARTMENTAL RECOMMENDATION:** Review the draft Environmental Assessment for the Wilderness and Backcountry Stewardship Plan for Death Valley National Park and authorize the Chairperson to sign correspondence to the Park in regards thereto.

**SUMMARY DISCUSSION:** Death Valley National Park has been working on a planning process for its backcountry and wilderness lands for several years. The Plan is intended to guide decisions regarding future use and protection of the Park's wilderness and backcountry, including Congressionally-designated wilderness, backcountry road corridors and campsites, backcountry cabins near roads, and non-wilderness backcountry.

The Board previously authorized correspondence regarding the Park's scoping request and the conceptual alternatives, which are included in Attachment 2. The County has entered into a Cooperating Agency Memorandum of Understanding for the Plan, and County staff and Mr. Doug Wilson with Willdan have participated in the Park's planning meetings, schedules permitting. County staff and Park staff has briefed the Board on numerous occasions regarding the Plan over the past several years as well.

### **Environmental Assessment**

The Park has published an Environmental Assessment<sup>1</sup> (EA) pursuant to the National Environmental Policy Act (NEPA) for the Plan. Zoning [i.e., zones for (1) wild, (2) backcountry exploration, (3) backcountry corridor, and (4) high/directed use] was developed for four alternatives for the Plan, which are described below. The preferred alternative is Alternative D (Focused Action).

**Alternative A (No Action)** – this alternative would not involve zoning of the Park, and management would continue under the status quo.

**Alternative B (Minimum Action)** – this alternative would result in no new or very limited new infrastructure and facilities, addressing primarily current visitor impact issues.

**Alternative C (Maximum Action)** – this alternative would involve the most change, provide the most infrastructure, and result in greater opportunities for less experienced park visitors.

<sup>1</sup> The Environmental Assessment is available on the Park Service's website at <http://parkplanning.nps.gov/publicHome.cfm>. Selected excerpts from the Plan are included in Attachment 3.

**Alternative D (Focused Action)** – this alternative is a mix of Alternative Nos. B and C.

Components shared by all the action alternatives include permits for stock use, removal of non-historic debris and vehicle routes, restoration of sheet flow at the Race Track, removal of guzzlers, spring restoration, prohibiting sandboarding and new peak registers, limitation on caving and rock climbing, establishing permitting systems, limitations on group size and consideration of other use restrictions, designating roadside camping and eliminating sites deemed to be unacceptable, providing fire rings in areas where they are allowed, and restricting use of fire and backcountry cabins. The more intensive alternatives include proportionally greater infrastructure development, such as trailheads and sanitation facilities. All of the alternatives include rules and restrictions established by the Superintendent's Compendium. Variations in management strategies are considered throughout the alternatives.

The EA identifies effects regarding the evaluated impact areas as beneficial, no effect, minor, and adverse. Mitigation measures are identified to address impacts.

### **Draft Correspondence**

Staff has drafted correspondence for the Board's consideration regarding the Plan (Attachment 1). The main issues addressed include recreation, maintaining and enhancing access (including restricting use, permitting, road reconstruction, and emergency access), and wilderness character.

### **Next Steps**

Comments regarding the draft EA are due by October 9, 2012. Park staff plan to consider the responses, modify the plan as appropriate, and then issue a Record of Decision.

**OTHER AGENCY INVOLVEMENT:** Death Valley National Park, Timbisha-Shoshone Tribe, Nye and San Bernardino Counties, Public Works and other County departments, other agencies with trustee responsibilities (US Fish and Wildlife Service, etc.).

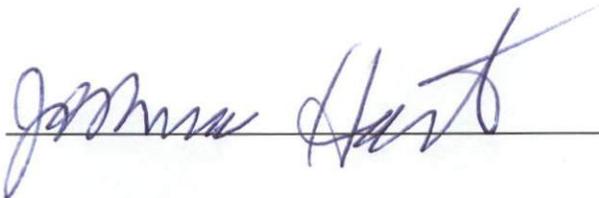
**FINANCING:** General Planning Department funds are utilized to monitor the Park's planning programs. Funds for Willdan to participate were from geothermal royalties by operating transfer to the General Fund/Planning Department budget. The County's estimated direct staff and consultant costs to participate in the Plan to date are about \$15,000, including about \$10,000 for Willdan's participation.

**APPROVALS**

COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by county counsel prior to submission to the board clerk.)</i>
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)</i>
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)

**DEPARTMENT HEAD SIGNATURE:**

(Not to be signed until all approvals are received)



Date: 9-26-12

Attachments:

1. Draft Correspondence
2. Previous Correspondence
3. Excerpts from Environmental Assessment

October 2, 2012

Park Superintendent  
Death Valley National Park  
Attn.: Wilderness and Backcountry Stewardship Plan  
PO BOX 579  
Death Valley, CA 92328

**Re: Environmental Assessment for the Death Valley National Park Wilderness and Backcountry Stewardship Plan**

To Whom It May Concern:

On behalf of the Inyo County Board of Supervisors, thank you for inviting us to work with the Park staff in developing the Wilderness and Backcountry Stewardship Plan for Death Valley National Park. Inyo County has been participating as a Cooperating Agency in development of the Plan, and we believe our input has been meaningful. We offer the following comments regarding the Plan and the Environmental Assessment.

1. We are encouraged that the Plan provides for enhanced recreation in the Park. Significant positive economic activity is derived to the County by recreational activities in Death Valley, although significantly less than if it were in private ownership. We agree that beneficial socioeconomic impacts can be realized through the Plan, and we appreciate the thoughtful balance – between visitor use and the solitude that makes Death Valley unique – the Park has strived to achieve through this planning process.
2. We are concerned that access limitations are being considered that may result in significant socioeconomic, cultural, and visitor use impacts. As you may be aware, access throughout the County, and particularly in the Park, has been consistently diminished through time, and we consider every access limitation significant both singularly and cumulatively.
  - a. We are unaware of substantial resource degradation that warrants restricting access, and urge the Park to reconsider limitation on group size. Furthermore, we oppose quotas and understand that the Plan does not provide for quotas, and that any quotas will be evaluated and subject to additional public review under the National Environmental Policy Act. We encourage the Park to investigate additional alternatives to reduced access, such as providing alternative access and guiding visitors to other locations in the event of resource damage.
  - b. As we have previously indicated, we are skeptical that permitting systems are necessary for the Backcountry and/or Wilderness. We understand that any permitting that is instituted will be evaluated for its effectiveness in meeting the Park's goals, and we therefore request that the County be included in this evaluation.
  - c. The Plan includes criteria for closing backcountry roads due to damage based on engineering and cost concerns. We recognize that isolated backcountry roads in the Park may be difficult to repair in the event of extreme damage, but these roads are part of the Park's cultural landscape and may have important socioeconomic meaning to the County. Therefore, we request that you coordinate with the County regarding any such closures, and we will work with you to identify funding and resources to repair the roads.

- d. The Inyo County Sheriff is active in emergency response and law enforcement in and around the Park, and access limitations may impede these activities. Emergency access and communication should always be maintained and enhanced.
3. As we have previously indicated, we object to expanding the definition of Wilderness beyond that contained in the Wilderness Act.
4. We are pleased to assist the Park's Wilderness Committee and request that the Park solicit our thoughts about any issues being considered that might interest us.

Finally, the recent damage to County roads in the Park exemplifies the complexities in maintaining historical access in the Park to maintain the visitor experience, especially in the more remote areas. We believe that through cooperation and thoughtful planning we can provide for continued access to the Park, enhance the visitor experience, and provide for emergency response and law enforcement. We look forward to working with the Park to repair these roads as expeditiously and efficiently as possible.

Thank you for your attention. We have enjoyed working with the Park staff on this Plan. Please contact the County's Administrative Officer, Kevin Carunchio, at (760) 878-0292 if you have any questions.

Sincerely,

**Marty Fortney, Chairperson  
Inyo County Board of Supervisors**

cc: Board of Supervisors  
Kevin Carunchio, CAO  
Randy Keller, County Counsel  
Joshua Hart, Planning Director  
Doug Wilson, Inyo Public Works Director



## BOARD OF SUPERVISORS COUNTY OF INYO

P. O. BOX N • INDEPENDENCE, CALIFORNIA 93526  
TELEPHONE (760) 878-0373 • FAX (760) 878-2241  
e-mail: pgunsolley@inyocounty.us

MEMBERS OF THE BOARD  
LINDA ARCULARIUS  
SUSAN CASH  
RICK PUCCI  
MARTY FORTNEY  
RICHARD CERVANTES

KEVIN D. CARUNCHIO  
*Clerk of the Board*

PATRICIA GUNSOLLEY  
*Assistant Clerk of the Board*

April 26, 2011

Death Valley National Park  
Conceptual Alternatives Newsletter  
PO BOX 579  
Death Valley, CA 92328

**RE: Wilderness and Backcountry Stewardship Plan for Death Valley National Park  
Conceptual Alternatives Newsletter**

To Whom It May Concern:

On behalf of the Inyo County Board of Supervisors, thank you for the opportunity to review the Conceptual Alternatives Newsletter for the Wilderness and Backcountry Stewardship Plan for Death Valley National Park. Inyo County has been participating as a Cooperating Agency in development of the Plan, and we believe this input has been meaningful. We are pleased that progress has been made regarding the County's pits along Saline Valley Road, and we look forward to working with the Park to address remaining issues regarding the pits.

We offer the following comments regarding the Plan:

1. The County would be deeply concerned about any diminished access to off-highway vehicles and/or other access in the Park or its vicinity resulting from the Plan. We believe the quality of Wilderness areas can best be preserved by enhancing access and services for four-wheel drive recreation in areas that are not as pristine. The County is particularly interested in any changes that may be proposed to roads in Greenwater Valley, Greenwater Canyon, and Last Chance Canyon. We understand that none of the Alternatives propose to reduce access, and we expect that any alternative ultimately selected will maintain and improve access.
2. We encourage the Park to continue to balance additional visitor amenities with maintaining the Park's undeveloped character. We understand that this is a difficult task, and while we encourage appropriate development of visitor serving amenities in the Park, we wish to maintain its allure of remoteness for existing and future visitors.
3. We are concerned that the Park is considering permitting systems and fees for access. We are unaware of resource damage by overuse, and do not believe that any permitting and/or fee system is warranted at this time.
4. The Park Service should explain why it is proposing to limit group size. We are unaware of resource damage by overuse in this regard, and believe that limitations on group size are unwarranted at this time. The term "beating hearts" should be clarified and better defined.

5. We object to proposed wilderness being included in any of the Alternatives. We further object to any expansion of the definition of Wilderness beyond that contained in the Wilderness Act.
6. The Plan should not diminish emergency access.
7. We request that the Park Service not permit submittal of anonymous comments.
8. We urge the Park to maintain an eye to the future to accommodate expanded communication access.
9. We recommend that an alternative be selected that does not include permitting systems, fees, or restrictions on group size, and provides the most access for four-wheel drive recreation and the least restrictions on four-wheel drive experience as possible.

Thank you for your attention. Please contact the County's Administrative Officer, Kevin Carunchio, at (760) 878-0292 if you have any questions.

Sincerely,



Susan Cash, Chairperson  
Inyo County Board of Supervisors

cc: Board of Supervisors, Inyo County  
Kevin Carunchio, County CAO  
Randy Keller, County Counsel  
Joshua Hart, Inyo County Planning Director  
Doug Wilson, Inyo County Public Works Interim Director



**BOARD OF SUPERVISORS  
COUNTY OF INYO**

P. O. BOX N • INDEPENDENCE, CALIFORNIA 93526  
TELEPHONE (760) 878-0373 • FAX (760) 878-2241  
e-mail: pgunsolley@inyocounty.us

MEMBERS OF THE BOARD  
LINDA ARCULARIUS  
SUSAN CASH  
BEVERLY BROWN  
MARTY FORTNEY  
RICHARD CERVANTES

KEVIN D. CARUNCHIO  
*Clerk of the Board*

PATRICIA GUNSOLLEY  
*Assistant Clerk of the Board*

November 10, 2009

Sarah L. Craighead  
Superintendent Death Valley National Park – Wilderness Plan  
PO Box 579  
Death Valley, CA 92328

**RE: Wilderness and Backcountry Stewardship Plan for Death Valley National Park**

Dear Ms. Craighead:

The Inyo County Board of Supervisors thanks you for the opportunity to provide the County's comments regarding the above-referenced Plan. Although we understand that no details are available at this time, we are concerned about the Plan, given previous efforts to diminish access to private and public lands in the vicinity.

As Park staff may be aware, the County is particularly interested in any changes that may be proposed to roads in Greenwater Valley, Greenwater Canyon, and Last Chance Canyon. Further, the County is concerned with access to the material sites along Saline Valley Road and Death Valley Road, which were previously used to affect repairs on that County road but located in the National Park.

Attached, please find Inyo County Resolution 2002-36, which outlines and reaffirms its recognition of our R.S. 2477 rights with respect to roads located in the County.

The County is deeply concerned about the possibility of any diminished access for off-road vehicles in the Park or its vicinity resulting from the Plan. Therefore, it is requested that the Park provide the County with greater detail regarding the Plan prior to any release for public review.

Wilderness and Backcountry Stewardship Plan for  
Death Valley National Park  
November 10, 2009  
Page 2

Thank you for the opportunity to provide input into this planning process. We look forward to working with the National Park as an integral partner to protect existing access for the citizens of Inyo County, California, and the nation. Please contact the Planning Department at (760) 878-0263 if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Beverly A. Brown". The signature is written in a cursive style with a large, prominent initial "B".

Supervisor Beverly A. Brown, Chairperson  
Inyo County Board of Supervisors

cc: Board of Supervisors; Kevin Carunchio, CAO; County Counsel; Department of  
Public Works; Planning Department

Attachment

**BEFORE THE BOARD OF SUPERVISORS, COUNTY OF INYO**

**RESOLUTION No. 2002- 36**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF INYO,  
STATE OF CALIFORNIA, REAFFIRMING AND ESTABLISHING STANDARDS FOR  
THE RECOGNITION OF RIGHTS-OF-WAY IN ACCORDANCE WITH  
UNITED STATES REVISED STATUTE 2477**

**WHEREAS**, The United States Congress, intending to promote the settlement of the Western United States by establishment of highways, granted the right-of-way for the construction of highways over public lands not reserved for public uses in Section 8 of the Mining Act of 1866, re-enacted and recodified as Revised Statutes 2477 (R.S. 2477) 43. U.S.C. Section 932; and

**WHEREAS**, The County of Inyo, when established in 1866, included considerable areas for ranching, farming, and mining, with intensive prospecting and exploration for valuable minerals, forest and agricultural products; and

**WHEREAS**, much of the mountains, desert and valley area of the County became laced with networks of wagon roads, trails, horse and foot paths, as well as water pipelines, which were constructed, maintained and used to facilitate such activities; and

**WHEREAS**, many of these roads, trails, paths and pipelines have been in general use by the general public since that time for recreational, domestic, agricultural, mining, grazing and packing use; and

**WHEREAS**, public access to and upon these rights-of-way is essential to the economic, social and political well being of the communities within Inyo County.

**NOW, THEREFORE, BE IT RESOLVED** that the County of Inyo and the public may have acquired rights-of-way pursuant to R.S. 2477 in those certain ways provided by California and Federal Law, including, but not limited to, the following:

- 1) Use by the County or public with the intention of creating a public highway over public lands; or
- 2) Construction or maintenance of a highway; or
- 3) Inclusion of the right-of-way in a State, County or Municipal road system, plat, description, or map of County roads; or
- 4) Expenditure of any public funds on the highway; or
- 5) Execution of a Memorandum of Understanding or other agreement with any other public or private entity or agency of the Federal Government which recognizes the right or obligation of the County to construct or maintain a highway or a portion of a highway; or

- 6) Any other act by the County or the public consistent with State or Federal Law indicating acceptance of the right-of-way; or
- 7) Use by the public for a period required by the California Civil Code.

**BE IT FURTHER RESOLVED** that, although the County has the right to maintain any valid R.S. 2477 rights-of-way, the absence of County maintenance of such a right-of-way, either in the past or in the future, shall not affect in any way the status of that right-of-way, nor shall the assertion of an R.S. 2477 right-of-way obligate the County to maintain that right-of-way.

**BE IT FURTHER RESOLVED**, that the County hereby finds that any rights-of-way located in the County, which fall in the purview of the conditions above set forth, may be R.S. 2477 rights-of-way. Further, the County shall not be deemed to consent or have consented to the exchange or abandonment of any R.S. 2477 rights-of-way unless a formal written resolution specifically so stating has been passed at a duly called public meeting of the County Board of Supervisors.

**BE IT FURTHER RESOLVED** that, without waiving the foregoing or its right to use or assert different standards, interpretations, or criteria for the assertion of R.S. 2477 claims, the County may pursue R.S. 2477 rights-of-way with respect to a particular road only when it finds, upon substantial and reliable proof considered by it, that:

- 1.) the road under consideration constitutes a highway, construction of which occurred upon public lands not reserved for public uses and was completed before the earlier of:
  - a.) the date when those public lands were reserved for public uses; or
  - b.) October 21, 1976, the effective date of the Federal Land and Policy Management Act, which repealed R.S. 2477; and
- 2.) the road, or the use thereof, is threatened with closure, elimination, or significant restriction by the United States, or any other person or entity, public or private; and
- 3.) there is a compelling reason to preserve the road, or the use thereof.

In determining whether a road meets these criteria, the County shall, except as provided for below, construe and apply the terms "construction," "highway," and "public lands not reserved for public uses" in accordance with the definitions or interpretations given them in the regulations or policies of or used by the federal agency that administers the land upon which the road is located.

Notwithstanding the foregoing, in the event that any such regulations, policies, definitions, or interpretations or portions thereof, are declared invalid by the United States Court of Appeals or the United States Supreme Court, the County shall give the above-mentioned terms such meanings as the County finds are reasonable and lawful, pending the federal agency's promulgation of regulations or adoption of policies or interpretations conforming to the Court's decision; in the case of a conflict between a ruling of the United States Court of Appeals for the

Ninth Circuit and any other Circuit of the Court of Appeals concerning the regulations, policies, definitions or interpretations described above, the County shall observe the ruling of the Ninth Circuit.

**BE IT FURTHER RESOLVED** that, in order for Inyo County to determine when and whether to assert its rights under R.S. 2477 pursuant to the policy set forth in this Resolution, and to ensure public participation with respect to the closure of roads on federal land within the County, this Board of Supervisors hereby requests all federal agencies to notify the Inyo County Planning Department, through the collaborative planning process or otherwise, of any action the agency intends or plans to take, or contemplates taking, to close or significantly restrict the use of any road in Inyo County.

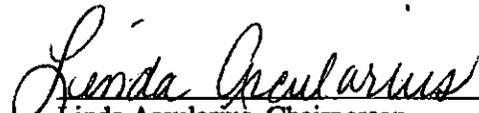
**PASSED AND ADOPTED THIS 14 DAY OF MAY, 2002, BY THE FOLLOWING VOTE:**

**AYES:** Supervisors Arcularius, Lent, Hambleton and Dorame

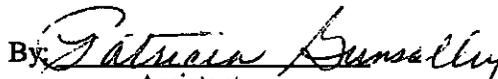
**NOES:** -0-

**ABSTAIN:** -0-

**ABSENT:** Supervisor Bear

  
Linda Arcularius, Chairperson  
Inyo County Board of Supervisors

**ATTEST:**  
**RENÉ MENDEZ**  
**CLERK OF THE BOARD**

By:   
Assistant

## Executive Summary

This Wilderness and Backcountry Stewardship Plan (the Plan) and Environmental Assessment provide direction for the National Park Service to make decisions regarding the future use and protection of the park's vast wilderness and backcountry lands. This planning process addresses all Congressionally designated wilderness and potential wilderness lands within Death Valley National Park as designated by the California Desert Protection Act of 1994. It also includes non-wilderness backcountry concerns including backcountry road corridors and campsites, backcountry cabins near roads, and non-wilderness backcountry lands. This plan was developed in consultation with the Timbisha Shoshone Tribe and these cooperating agencies: Inyo County (CA), Esmeralda County (NV), and Nye County (NV).

The purpose of this Wilderness and Backcountry Stewardship Plan and Environmental Assessment for Death Valley National Park is to provide a framework by which to preserve and improve wilderness character while providing for unique visitor opportunities for quiet, solitude, and primitive adventure; and to accommodate continued use of the Park's unpaved roads and protection of backcountry resources. Completion of the planning process and approval of the plan also fulfills the requirements of NPS policy that parks have a wilderness management plan and a backcountry management plan (combined in this case) and addresses the needs identified in the 2002 General Management Plan.

This purpose will be achieved through advancement of the following goals:

*...common to both wilderness and backcountry:*

- promote safety and outdoor ethics;
- preserve natural and cultural resources;
- preserve dark night skies;
- preserve natural soundscapes;
- minimize conflicts between user groups as well as between users and sensitive resources;
- accommodate and manage commercial uses as subject to applicable laws and policies;
- preserve undisturbed areas for appropriate scientific research; and
- proactively foster an inspired and informed public and park staff who value the preservation of the Park's natural and cultural resources.

*...specific to wilderness:*

- preserve the untrammeled quality of wilderness character by refraining from the deliberate manipulation or management of wilderness resources except as necessary to promote another quality of wilderness character or to preserve human life or to accommodate other activities in compliance with applicable laws;
- promote the natural quality of wilderness character through the thoughtful restoration and/or maintenance of natural processes and features while managing archaeological, historical and ethnographic sites in a manner that is compatible with wilderness and cultural resources management laws;
- preserve and enhance the undeveloped quality of wilderness character by judicious review and, where appropriate, removal of non-conforming and/or unnecessary installations;
- provide for outstanding opportunities for solitude or primitive and unconfined recreation as long as such visitor uses can be offered without degradation of significant natural and cultural resource values;
- preserve ecological, geological, scientific, educational, scenic, and historical values of wilderness, including culturally significant resources and paleontological resources within wilderness as important and prominent values of the Death Valley NP Wilderness consistent with the California Desert Protection Act and the General Management Plan;

- preserve the intangible aspects of wilderness, including the ethnographic value to the Timbisha Shoshone and accommodate ongoing traditional cultural uses by the Timbisha Shoshone within their Natural and Cultural Preservation Area and other special use areas.

...*specific to non-wilderness backcountry:*

- allow for continued use of backcountry roads where appropriate for multiple purposes, including:
  - to accommodate recreational access;
  - to accommodate administrative access and other authorized uses;
  - to accommodate opportunities for recreational backcountry road travel (including vehicles, bicycle, stock, foot, etc);
  - to facilitate voluntary stewardship of backcountry roads and cabins by interested publics;
  - to provide for continued roadside camping opportunities;
  - to provide for campfires where safe and appropriate;
  - and as a gateway to wilderness.
- accommodate continued backcountry cabin use while providing for the protection of historic resources and public health and safety.
- minimize impacts of backcountry uses on adjacent wilderness lands.

This environmental assessment has been prepared in accordance with the National Environmental Policy Act of 1969, as amended; the regulations of the Council on Environmental Quality (40 Code of Federal Regulations 1508.9); NPS Director's Order 12: Conservation Planning, Environmental Impact Analysis, and Decision making; the National Historic Preservation Act of 1966, as amended; and the Endangered Species Act of 1973, as amended. The environmental assessment analyzes the environmental impacts of four alternatives:

No-action (Alternative A): This alternative would continue existing management practices, resulting in current resource conditions and visitor opportunities, and the logical progression of probable trends over time. It is required as a baseline against which the other alternatives can be compared. Without the guidance of a Wilderness and Backcountry Stewardship Plan, there would not be a clear focus for setting priorities for management actions or visitor use. Management would continue to tend to be reactive to the needs of the moment rather than being proactive toward specific goals.

Minimum Action (Alternative B): To fulfill the intent of maximizing outstanding opportunities for solitude or primitive and unconfined recreation, visitor services and park operations would be conducted in a manner that minimizes the imprint of modern humans within the wilderness. There would be no new or very limited new infrastructure and facilities in the backcountry. Resource and visitor experience conditions that are currently unacceptable or that are approaching unacceptable would be identified and addressed through targeted management actions using the least intensive management tools suitable to the situation. This alternative largely formalizes the no-action alternative and adds a few specific actions to address current visitor impact issues while fulfilling current agency requirements for wilderness and backcountry administration (e.g. adopting a minimum requirements decision process, evaluating science in wilderness, etc.).

Maximum Action (Alternative C): Outstanding opportunities for solitude or primitive and unconfined recreation would still occur for self-reliant visitors, but there would be more opportunities for park visitors with less experience or lacking specialized equipment. The park would seek opportunities to partner with neighboring land management agencies to provide improved access between the park and adjacent public lands. Where appropriate, new infrastructure and facilities would be developed in backcountry locations to enhance visitor opportunities and mitigate visitor use impacts. Visitor services and park management operations, including field activities, education, outreach, and interpretive programs would likely increase from current levels. Highest priority would be given to addressing locations where impacts of visitor use are

currently unacceptable and actions would be taken to manage visitor use or specific aspects of visitor use in order to meet standards. Over time, other locations would receive increased management with the intent of proactively managing visitor use to maintain desired visitor experiences and protect park resources. All agency requirements for the administration of wilderness and backcountry lands and operations are addressed.

Focused Action (Alternative D, NPS Preferred Alternative): This wilderness and backcountry stewardship alternative would recognize and protect the premier wilderness and backcountry resource values of the entire park while providing for a wider range of visitor experiences and opportunities in specific locations. Some areas along paved and unpaved maintained road corridors would be managed for those visitors who want to experience the wilderness and backcountry but may need additional services, facilities, and/or direction or who may lack the specialized equipment (e.g. high ground clearance 4-wheel-drive vehicles) to access other areas of the park. The majority of the wilderness, backcountry, and backcountry roads would be managed for self-directed exploration as well as self-reliant travel. Currently unacceptable visitor impacts and those impacts anticipated to manifest in the near future are proactively addressed through specific visitor use actions, including facilities and administrative tools. All agency requirements for the administration of wilderness and backcountry lands and operations are addressed.

Each action alternative (alternatives B, C, and D) include geographic allocation between four zones: wild, backcountry exploration, backcountry corridor, and high use/directed use. Specific locations zoned as high use/directed use are addressed in detail regarding visitor issues, measures, standards, and proposed management actions. In addition to zoning and the management direction inherent to each zone, each alternative also includes specific details regarding wilderness use (group size limits, human waste disposal, visitor use restrictions, and carrying capacity limits), commercial services and special park uses (permitted activities, locations, and limits), backcountry facilities (roads, campgrounds, designated roadside camping corridors, dispersed roadside camping, trails and trailheads, cabins, campfire rings, and signs), administrative activities (overnight visitor use permits and administrative camps), and costs (one time expenditures and annual operating expenses). Some management actions were also identified to be applicable to all alternatives except the no-action alternative, including type and locations for stock use, facilitation of volunteer stewardship activities, adoption of procedures for administration of commercial services and special park uses, adoption of a visitor education strategy that incorporates Leave No Trace® and Tread Lightly®, administration of scientific activities in wilderness, resource management activities focused on restoring natural conditions including restoration of sheetflow at Racetrack Playa, and actions to manage specialized recreation in wilderness including the adoption of a process to evaluate emerging recreational uses.

Attribute	Alternative A: No Action	Alternative B: Minimum Action	Alternative C: Maximum Action	Alternative D: Focused Action
Total Miles of Backcountry Roads	1,000 miles	1,000 miles	1,000 miles	1,000 miles
Total acres of designated wilderness	3,100,000 acres	3,100,000 acres	3,100,000 acres	3,100,000 acres
Total acres of planning area (wilderness and backcountry)	3,320,000 acres	3,320,000 acres	3,320,000 acres	3,320,000 acres
Acres in High Use/Directed Use Zone	Not applicable	8,000 acres	27,000 acres	17,000 acres
Acres in Backcountry Corridor Zone	No applicable	8,000 acres	18,500 acres	6,000 acres
Acres in Backcountry Exploration Zone	Not applicable	205,000 acres	181,000 acres	202,500 acres
Acres in Wild Zone	Not applicable	3,099,000 acres	3,093,500 acres	3,094,500 acres
Miles of maintained roads	300 miles	300 miles	580 miles	410 miles
Miles of non-maintained roads	700 miles	700 miles	420 miles	590 miles

Miles of designated roadside camping corridors	Not applicable	0	70 miles	55 miles
Miles of backcountry roadside open to dispersed camping	770 miles	770 miles	665 miles	695 miles

The following impacts topics were analyzed in detail for each of the four alternatives and the conclusions are summarized below:

**Wilderness Character**

Impacts to wilderness character as a result of implementing alternative A or B would likely be negligible or minor. Some sources of degradation, largely outside of NPS control (such as air, light, and noise pollution) would continue to persist but are not likely to be acute enough to be observed by most visitors. Some opportunities to improve wilderness character would likely not be realized.

Impacts to wilderness character as a result of implementing the maximum action alternative (alternative C) and focused action alternative (alternative D) would likely be moderate, both with some beneficial and some adverse impacts. Both alternatives would realize improvements to the untrammelled, natural, undeveloped, and outstanding opportunities for solitude or primitive and unconfined recreation. However, some degradations would continue to persist and some new, localized degradations to viewshed and unconfined recreation would be realized through the development of some minor visitor facilities on backcountry lands near wilderness.

Generally, impacts associated with the untrammelled quality tend to be short-term while the impacts (positive or negative) associated with the other qualities tend to be long-term.

**Wildlife**

The focused action alternative (alternative D) would produce minor long-term beneficial impacts to wildlife by managing human waste and delineating trails around high use riparian areas, as well as by implementing a Backcountry and Wilderness Education Strategy and by systematically removing fences and other debris that threatens wildlife health. There would be negligible to minor long-term beneficial impacts to wildlife from delineating campsites and roadside camping corridors, and defining group size limits. The adverse impacts to wildlife from maintaining an additional 110 miles of existing backcountry roads would be minor and long term. The maximum action alternative (alternative C) would produce principally the same beneficial impact levels, with more adverse impacts to wildlife from the additional 280 miles of backcountry road maintenance on existing roads. The minimum action alternative (alternative B) would have smaller commercial and private group sizes, producing more benefits to wildlife from these constraints, but would not address trail delineation or designated campsites, with negligible to minor adverse effects. No additional road maintenance under this alternative would reduce vehicle-related mortality. The no-action alternative (alternative A) would similarly have no additional road maintenance, but it would also not address human waste concerns, visitor education, hazard debris removal, trail delineation, or campsites, resulting in an overall minor adverse impact to wildlife.

**Vegetation**

Each of the action alternatives (alternatives B, C, and D) for this plan would result in both adverse and beneficial long-term impacts to vegetation. Establishing trails and trailheads would eliminate social trail formation and protect vegetation, as would establishing restroom facilities in high use areas. These management actions

would result in minor beneficial impacts to vegetation communities in localized areas, and the degree of benefit would vary by alternative according to the facilities proposed under each alternative. The proposal for additional road grading and subsequent visitor use along those improved road corridors in the maximum action alternative (alternative C) and the focused action alternative (alternative D) would result in an increase in the spread of exotic vegetation, which would be a moderate long-term adverse impact of these alternatives that would require additional monitoring and weed control along improved road corridors in order to mitigate impacts to minor. The focused action alternative (alternative D) would present significantly less area to mitigate for than the maximum action alternative (alternative C).

### Special Status Species

The focused action alternative (alternative D) would result in a negligible to minor beneficial long-term impact to the desert tortoise because of a provision under this alternative for a designated roadside camping corridor in the Greenwater Valley with accompanying surveys to avoid tortoise in selecting site locations, restoration of tortoise habitat in previously used dispersed sites, and the installation of signage to prevent inadvertent vehicular impacts to tortoise. In addition, implementing the Backcountry and Wilderness Education Strategy under this alternative would provide a minor beneficial impact to the species and its habitat park-wide. Delineation of trails in riparian areas under the focused action alternative would cut down on social trail formation and would likely produce a negligible to minor beneficial impact on special status bird species that are dependent on riparian habitat. The determination of effect for all special status wildlife species under this alternative would be *no effect*.

Implementing the maximum action alternative (alternative C) would provide similar beneficial impacts to special status wildlife species. The minimum action alternative (alternative B) would result in less protection for the desert tortoise in Greenwater Valley, and less protection for riparian bird species along the Cottonwood-Marble Loop, resulting in negligible to minor adverse impacts to special status animal species. The no-action alternative (alternative A) would provide no Education Strategy and result in no management action to protect special status wildlife species, and the impact to these species would be long-term, minor, and adverse.

The focused action alternative (alternative D) would have minor, long-term beneficial impacts to the Eureka Dunes Evening Primrose and Eureka dunegrass, resulting from additional delineated campsites, a group campground, recruitment of a camp host, and restrictions on sandboarding. Overall, the determination of effect for federally listed plant species under this alternative would be *no effect*. Rare but not federally listed plants such as the shining milkvetch and Death Valley sandpaper plant would see minor, long-term benefits under all action alternatives (alternatives B, C, and D) from the sandboarding prohibition on the Ibex and Panamint Dunes.

The maximum action alternative (alternative C) would provide the same level of beneficial impacts as the focused action alternative (alternative D), while the minimum action alternative (alternative B) would have slightly less benefit to federally listed species because it would not include delineation of four additional campsites to minimize resource conflicts. The no-action alternative (alternative A) would have long term, moderate adverse impacts to federally listed and rare plant species.

### **Geologic, Soil, & Paleontological Resources**

With regard to geologic resources, all of the action alternatives (alternatives B, C, and D) would be preferred over the no-action alternative (alternative A). This is because the action alternatives include restoring playa-forming processes and preventing vehicle trespass on the Racetrack. This is expected to have moderate beneficial impacts to this noteworthy geologic and scientific resource. Also, a framework for evaluating impacts from research activities (including collection limitations) would be developed under all of the action alternatives. This is likely to result in a minor positive impact on geologic resources compared to the no-action alternative.

All of the action alternatives present different levels of facilities construction or improvement that would have proportionate impacts to soils. With regard to facilities construction or improvement, the minimum action alternative (alternative B) presents the lowest level, the maximum action alternative (alternative C) presents the highest level, and the focused action alternative (alternative D) presents an intermediate level. Higher levels of facilities construction or improvement would increase backcountry accessibility, and therefore likely increase backcountry visitation. Higher visitation rates present the possibility of higher levels of adverse impacts to soils. However, the facilities construction improvements may counteract the impacts from increased visitation by preventing contamination from human waste, and restricting camping and parking sprawl. The action alternatives also present different levels of restrictions on activities and events, and the potential for soil impacts increase with increasing group sizes, activities, and events. With regard to the limitations on group sizes, activities, and events; the minimum action alternative (alternative A) is the most restrictive; the maximum action alternative (alternative C) is the least restrictive; and the focused alternative (alternative D) is intermediately restrictive. All of the action alternatives have negligible to minor adverse and beneficial impacts to geology and soils from the various balances of accessibility, facilities, and regulation.

Impacts to paleontological resources will remain unchanged as a result of any of the plan's alternatives, and are expected to be moderate, beneficial, and long term resulting from the protection of the Copper Canyon fossil locality.

### **Water Resources**

The minimum action, maximum action, and focused action alternatives (alternatives B, C, and D) all include restoring watershed processes and preventing vehicle trespass on the Racetrack. This is expected to have moderate beneficial impacts to the playa. Also, a framework for evaluating impacts from research activities (including decontamination procedures) would be developed under all of the action alternatives. This would result in a minor long-term beneficial impact on water resources compared to the no-action alternative (alternative A).

All of the action alternatives present different levels of facilities construction or improvement that would have proportionate impacts on watersheds. With regard to facilities construction or improvement, alternative B presents the lowest level, alternative C presents the highest level, and the alternative D presents an intermediate level. Higher levels of facilities construction or improvement would increase backcountry accessibility, and therefore likely increase backcountry visitation. Higher visitation rates present the possibility of higher impacts to watersheds. However, the facilities construction or improvements could counteract the impacts from increased visitation by preventing contamination from human

waste, and restricting camping and parking sprawl. The action alternatives also present different levels of restrictions on activities and events, and the potential for watershed impacts increase with increasing group sizes, activities, and events. Overall, considering the balance between accessibility, facilities, and regulation, all of the action alternatives are anticipated to have negligible to minor long-term beneficial impacts to water resources.

**Cultural Resources**

While all of the alternatives would have a negligible adverse and minor beneficial long-term impact to cultural resources, it is expected that the focused action alternative (alternative D) would have the most beneficial effect on cultural resources. Through stewardship of park resources, installation of toilets and campgrounds in locations that minimize conflict with cultural resources, minimal trail installations, and evaluation and rehabilitation of historic structures for compatible use, there is the potential for preservation of important cultural resources. The Section 106 determination for all alternatives would be *no adverse effect*.

**Socio-Economics**

Each of the action alternatives (alternatives B, C, and D) for this plan would result in both adverse and beneficial long-term impacts to regional and local economies. The threshold level of impacts would vary, but would not exceed minor impact for any of the alternatives. Changes would be slightly detectable and would not be expected to have an overall effect on the integrity or character of the social and economic environments, including overall economic activity, employment, and income. Impacts to grazing rights; inholdings, reserved rights, and rights of way; and Native American rights would be negligible from all alternatives. The cumulative impacts of improving roads, in conjunction with the backcountry infrastructure improvements proposed in the alternatives, would amplify the minor beneficial impacts to the socio-economic environment.

**Visitor Use & Experience**

The focused action alternative (alternative D) would have a negligible to minor, long-term impact to visitor use and experience. Impacts from some aspects of the alternative would be beneficial, and some adverse. Impacts from additional campgrounds, restroom facilities, established trails, an education strategy, wilderness monitoring and adaptive management strategies would provide beneficial impacts for visitor use and experience. Mandatory permit systems and fees would provide adverse impacts to many visitors, with some visitors receiving benefits from more effective search-and-rescue operations. Similarly, size limits on commercial and special use groups would adversely impact those groups, but would provide individuals seeking self-discovery and solitude with enhanced opportunities for a unique visitor experience in Death Valley National Park's backcountry and wilderness areas.

The maximum action alternative (alternative C) would intensify the impacts in comparison to the focused action alternative by providing for more infrastructure such as trails, campgrounds, and bathrooms, but also increased restrictions on commercial and special use group size. Impacts from the maximum action alternative would be both adverse and beneficial, at impact levels of minor to moderate.

The minimum action alternative (alternative B) would result in negligible to minor impacts to visitor use and experience, as a result of some modest human waste management improvements and limits on commercial and special use group size that are similar to current levels.

The net result of the no-action alternative (alternative A) would be long-term minor beneficial effects on visitor use of the backcountry and wilderness areas of Death Valley National Park, and potential long-term minor to moderate adverse effects on visitor experience if resource values are degraded from overuse in certain areas. This alternative would also be a lost opportunity to proactively define and maintain desired visitor experiences now and in the future.

#### **Park Operations**

Overall, the focused action alternative (alternative D) would have minor, beneficial long-term impacts for park research functions and analysis of installations, with both minor adverse and minor beneficial impacts on ranger activities. The increased cost of this alternative would be a minor to moderate adverse impact to park operations.

In comparison, the maximum action alternative (alternative C) would have minor, beneficial long-term impacts for park research functions and analysis of installations, with both adverse and beneficial impacts on ranger activities that would range in intensity from minor to moderate. The increased cost of this alternative would be a moderate adverse impact to park operations.

The minimum action alternative (alternative B) would have minor, beneficial long-term impacts for park research functions and analysis of installations, with negligible impacts on ranger activities. The increased cost of this alternative would be a minor adverse impact.

Adoption of the no-action alternative (alternative A) would result in negligible but incremental adverse long-term impacts to park operations.

In addition to engaging cooperating agencies and the Timbisha Shoshone Tribe throughout the planning process, the public were invited to comment on three separate occasions prior to release of the completed document for public review. During these three periods, a total of 662 individual comments were submitted and used to inform the plan. In addition, consultation is currently underway with the Nevada and California State Historic Preservation Offices as provided for in Section 106 of the National Historic Preservation Act, and informal consultation with the US Fish and Wildlife Service has been completed as provided for in Section 7 of the Endangered Species Act, with a determination of *no effect* for any listed or candidate species. Consultation correspondence is included as Appendix S of this document.

After the distribution of the Wilderness and Backcountry Stewardship Plan and Environmental Assessment there will be a 60-day public review and comment period. If no significant environmental impacts are identified and no major changes are made in the alternatives, then a Finding of No Significant Impact will be made and approved by the NPS Pacific West Regional Director. After signature, the plan will be implemented over the next 20 years.

# CHAPTER 1: PURPOSE AND NEED FOR THE PLAN

## 1.1 INTRODUCTION AND SIGNIFICANCE

Death Valley is a landscape described by superlatives:

.... one of the most arid places on earth - parts of the park receive only 1.9 inches of precipitation annually, and some years none at all.

.... one of the hottest places on earth where a blistering and relentless desert sun, unfiltered by clouds or humidity, bakes a parched landscape and its inhabitants from May through September, forcing acts of avoidance and adaptation to ensure survival for the plants, animals, and humans who exist here.

....the lowest elevation in North America at 282 feet below sea level, a position exaggerated by its immediate proximity to the high Panamint Mountains 15 miles to the west, which are largely snowbound for at least half the year having captured the last of the Pacific moisture and casting a rain shadow that defines a vast region of the Mojave and Great Basin deserts.

.... highly complex geology showcased in numerous desert mountain ranges interspersed with structural basins, both of which have historically been exploited for mineral wealth and now are protected for less consumptive purposes.

.... extreme variation in surrounding lands, whereby the central portion of the park is within a few hours' drive of the major metropolitan areas of Los Angeles and Las Vegas, while much of the south and southwestern border is bounded by military reservations, the eastern border by small mining towns, and the north and northwestern border by several wilderness areas managed by the Bureau of Land Management and U.S. Forest Service.

.... The largest unit of the National Park System outside of Alaska, encompassing 3.4 million acres.

.... The largest designated and named wilderness area in the contiguous United States, encompassing 3.1 million acres of land, but carved up into 44 smaller wilderness units separated by a vast backcountry road network sprawling across the landscape for a combined 1000 miles.

The original protected area of Death Valley National Monument was designated by Presidential Proclamation on February 11, 1933. The 1994 California Desert Protection Act enlarged the park to its present size and designated 91% of the park as wilderness totaling 3,102,456 acres. Another 220,000 acres is undeveloped backcountry lands and a network of over 1000 miles of pre-existing backcountry dirt road corridors serve as both a visitor experience in themselves and access for visitors seeking day hiking and backpacking opportunities in the expansive wilderness and backcountry.

Death Valley National Park is located in California (Inyo and San Bernardino Counties) and Nevada (Nye and Esmeralda Counties), east of the Sierra Nevada Mountains. Most of the park is considered Mojave Desert, but the northern and eastern portions grade into the Great Basin Desert. The park is largely surrounded by federal lands, most notably public lands managed by the U.S. Forest Service and the Bureau of Land Management as well as military lands managed by the Department of Defense.

The scope of this *Wilderness and Backcountry Stewardship Plan* addresses all congressionally designated wilderness lands within Death Valley National Park. It also includes non-wilderness backcountry concerns, such as: backcountry road corridors and campsites, backcountry cabins near roads, and non-wilderness backcountry lands. It does not include the Furnace Creek, Scotty's Castle, Stovepipe Wells, and Panamint Springs developed areas or visitor attractions accessed directly from paved roads (e.g. Zabriskie Point), developed campgrounds, paved roads, private inholdings or other non-NPS lands. It also does not include the Saline Valley hot springs and the non-wilderness lands surrounding them as this area will be addressed in the future in a site-specific plan as per direction of the approved *Death Valley National Park General Management Plan*.

This plan is considered an implementation plan tiered from the *Death Valley National Park General Management Plan* and its associated *Environmental Impact Statement* (NPS 2002). This Wilderness and Backcountry Stewardship Plan includes an environmental assessment as the environmental impact analysis document required under the National Environmental Policy Act, consistent with the NPS Director's Order #12: *Conservation Planning, Environmental Impact Analysis, and Decision-making* (NPS 2001). Cooperating agencies (as defined by the National Environmental Policy Act) in the preparation of this plan include Inyo County (CA), Nye County (NV), and Esmeralda County (NV). The Timbisha Shoshone were also substantially involved throughout the planning process.

## 1.2 PURPOSE AND NEED

The vast wilderness and backcountry lands of Death Valley National Park provide outstanding opportunities for discovery, challenge, and self-reliance in an extreme desert landscape. The purpose of this Wilderness and Backcountry Stewardship Plan and Environmental Assessment for Death Valley National Park is to provide a framework by which to preserve and improve wilderness character while providing for unique visitor opportunities for quiet, solitude, and primitive adventure; and to accommodate continued use of the park's unpaved roads and protection of backcountry resources.

NPS *Management Policies 2006* requires that each park containing wilderness maintain an up-to-date and approved wilderness management plan that "...will identify desired future conditions, as well as establish indicators, standards, conditions, and thresholds beyond which management actions will be taken to reduce human impacts to wilderness resources." Death Valley does not currently have an approved wilderness management plan.

NPS *Management Policies 2006* requires that "Backcountry use will be managed in accordance with a backcountry management plan (or other plan addressing backcountry uses) designed to avoid unacceptable impacts on park resources or adverse effects on the visitor enjoyment of appropriate recreational experiences." Death Valley does not currently have an approved backcountry management plan.

In the 2002 *Death Valley National Park General Management Plan*, wilderness and backcountry management considerations are included but with the recognition that a separate Wilderness and Backcountry Management Plan is needed to fully identify wilderness and backcountry issues, explore management alternatives, and prescribe policies and procedures for effective stewardship. This document fulfills that requirement.

Figure 1. Map providing the regional context of Death Valley National Park

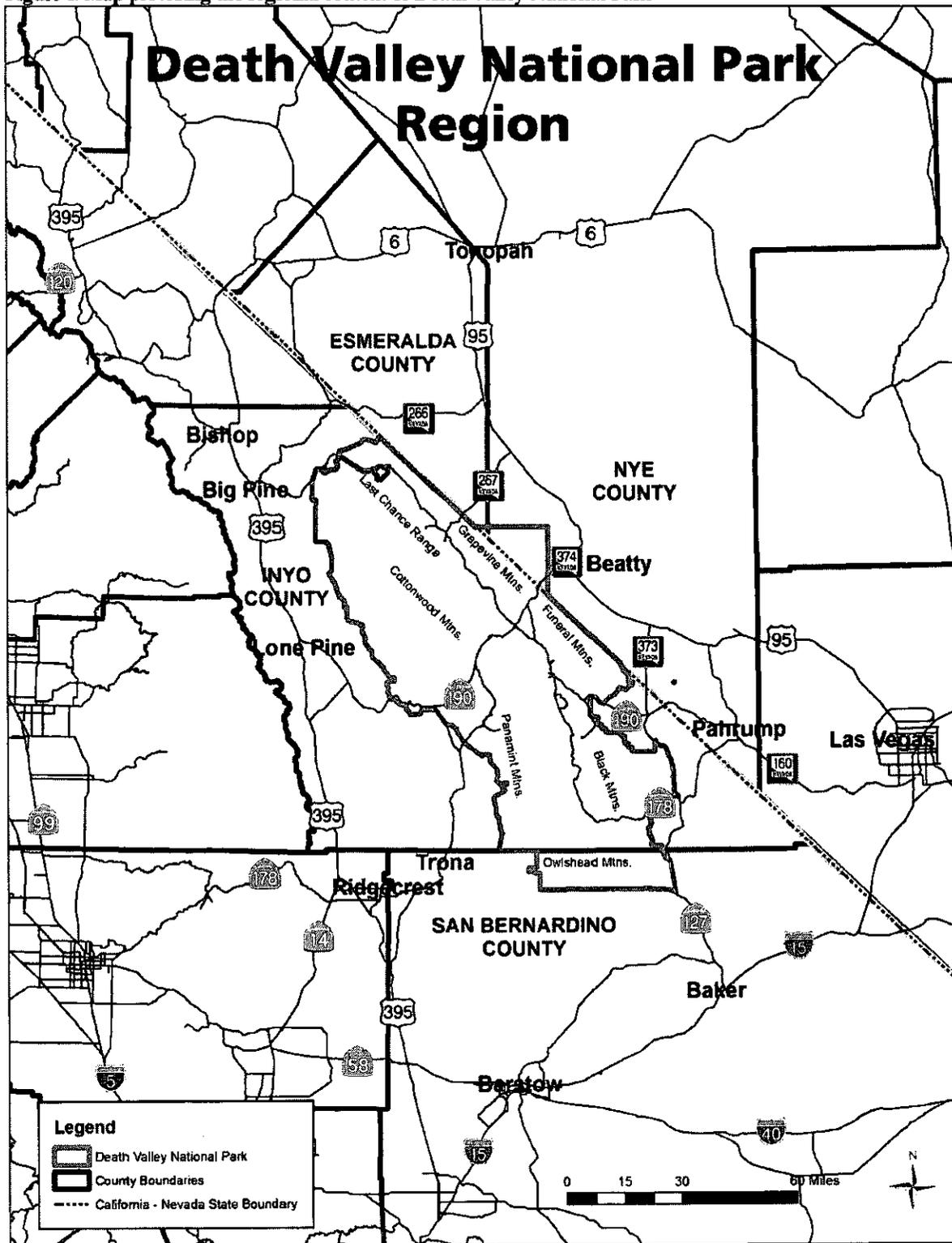
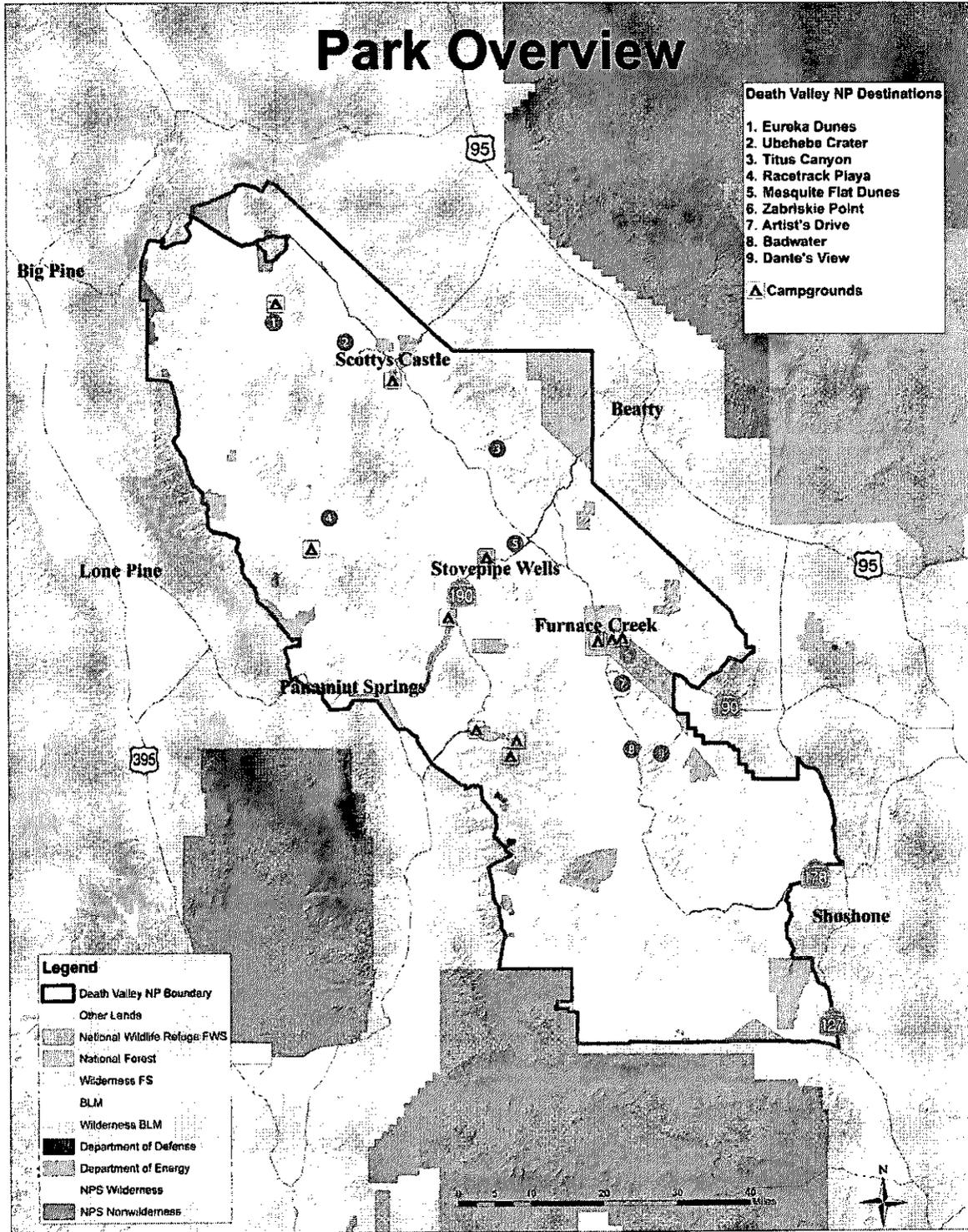


Figure 2. Map providing an overview of Death Valley National Park, including Death Valley National Park Wilderness.



### 1.3 GOALS AND OBJECTIVES

This Plan includes both wilderness and backcountry lands, with shared goals for wilderness and backcountry as well as goals specific to each land designation.

*Goals common to both wilderness and backcountry:*

- Promote safety and outdoor ethics.
- Preserve natural and cultural resources.
- Preserve dark night skies.
- Preserve natural soundscapes.
- Minimize conflicts between user groups as well as between users and sensitive resources.
- Accommodate and manage commercial uses as subject to applicable laws and policies.
- Preserve undisturbed areas for appropriate scientific research.
- Proactively foster an inspired and informed public and park staff who value the preservation of the park's natural and cultural resources.

*Goals specific to wilderness:*

- Preserve the untrammeled quality of wilderness character by refraining from the deliberate manipulation or management of wilderness resources except as necessary to promote another quality of wilderness character or to preserve human life or to accommodate other activities in compliance with applicable laws.
- Promote the natural quality of wilderness character through the thoughtful restoration and/or maintenance of natural processes and features while managing archaeological, historical and ethnographic sites in a manner that is compatible with wilderness and historic preservation laws.
- Preserve and enhance the undeveloped quality of wilderness character by judicious review and, where appropriate, removal of non-conforming and/or unnecessary installations.
- Provide for outstanding opportunities for solitude or primitive and unconfined recreation as long as such visitor uses can be offered without degradation of significant natural and cultural resource values.
- Preserve ecological, geological, scientific, educational, scenic, and historical values of wilderness, including culturally significant resources and paleontological resources within wilderness as important and prominent values of the Death Valley National Park Wilderness consistent with the California Desert Protection Act and the general management plan.
- Preserve the intangible aspects of wilderness, including the ethnographic value to the Timbisha Shoshone and accommodate ongoing traditional cultural uses by the Timbisha Shoshone within their Natural and Cultural Preservation Area and other special use areas.

*Goals specific to non-wilderness backcountry:*

- Allow for continued use of backcountry roads where appropriate for multiple purposes, including:
  - to accommodate recreational access;
  - to accommodate administrative access and other authorized uses;
  - to accommodate opportunities for recreational backcountry road travel (including vehicles, bicycle, stock, foot, etc.);
  - to facilitate voluntary stewardship of backcountry roads by interested publics;
  - to provide for continued roadside camping opportunities;
  - to provide for campfires where safe and appropriate; and
  - to serve as a gateway to wilderness.
- Accommodate continued backcountry cabin use while providing for the protection of historic resources and public health and safety.

## CHAPTER ONE—PURPOSE AND NEED

- Minimize impacts of backcountry uses on adjacent wilderness lands.

To achieve this purpose and these goals, the plan will define policies and practices for wilderness and backcountry stewardship to provide consistency and continuity in decision-making and to establish standards to measure success.

### 1.4 LEGAL AND POLICY REQUIREMENTS

This section chronologically summarizes the relevant laws and policies as well as the planning direction already established that provide the legal background in which this current wilderness and backcountry planning effort is undertaken.

#### 1.4.1 National Park Service Organic Act (1916)

The NPS Organic Act of 1916 directs the NPS to manage units “to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.” Congress reiterated this mandate in the Redwood National Park Expansion Act of 1978 by stating that the NPS must conduct its actions in a manner that will ensure no “derogation of the values and purposes for which these various areas have been established, except as may have been or shall be directly and specifically provided by Congress.” The Organic Act prohibits actions that permanently impair park resources unless a law directly and specifically allows for the acts. An action constitutes an impairment when its impacts “harm the integrity of park resources or values, including the opportunities that otherwise would be present for the enjoyment of those resources and values.”

#### 1.4.2 Establishment of Death Valley National Monument (1933)

Death Valley National Monument was established by presidential proclamation under the Antiquities Act of 1906, on February 11, 1933 (Proclamation No. 2028). The original monument contained approximately 1,601,800 acres. Supplementary proclamations in March 1937 (No. 2228) and January 1952 (No. 2961) increased the monument’s acreage to 2,067,793 acres.

#### 1.4.3 Wilderness Act (1964)

The Wilderness Act of 1964 established a national wilderness preservation system “administered for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness, and so as to provide for the protection of these areas, the preservation of their wilderness character, and for the gathering and dissemination of information regarding their use and enjoyment as wilderness (16 USC 1131).” The act defines wilderness as “an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain.” In section 4(b) the act goes on to say that “wilderness areas are devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use.” Under section 4(c) of the act, the following activities are generally prohibited in wilderness except as subject to existing private rights or other legislation: commercial enterprises, permanent roads, temporary roads, use of motor vehicles, use of motorized

## CHAPTER ONE -- PURPOSE AND NEED

equipment, use of motorboats, landing of aircraft, other form of mechanical transport, structures or installations. Section 4(c) also provides for exceptions to the prohibitions listed above "as necessary to meet minimum requirements for the administration of the area for the purpose of wilderness (including measures required in emergencies involving the health and safety of persons within the area)."

### 1.4.4 Mining in the Parks Act (1976)

Congress passed the Mining in the Parks Act in 1976 which closed Death Valley National Monument to the filing of new mining claims, temporarily banned open-pit mining and required the National Park Service to examine the validity of thousands of pre-1976 mining claims. Mining was allowed to resume on a limited basis in 1980 with stricter environmental standards. Mine operators are required to obtain approval of a Plan of Operations which should mitigate damage to the environment.

Death Valley National Park was established in 1994, enlarging the park by 1.3 million acres. With the added lands, the park also assumed jurisdiction over hundreds of additional unpatented mining claims.

### 1.4.5 California Desert Protection Act (1994)

On October 31, 1994, the U.S. Congress passed California Desert Protection Act (16 U.S.C. 410aaa-83, P.L. 103-433), signed by President Clinton. The act states:

*In order to secure for the American people of this and future generations an enduring heritage of wilderness, national parks, and public land values in the California desert, it is hereby declared to be the policy of the Congress that appropriate public lands in the California desert shall be included in the National Park System and the National Wilderness Preservation System, in order to --*

- *Preserve unrivaled scenic, geologic, and wildlife values associated with these unique natural landscapes;*
- *Perpetuate in their natural state significant and diverse ecosystems of the California desert;*
- *Protect and preserve historical and cultural values of the California desert associated with ancient Indian cultures, patterns of western exploration and settlement, and sites exemplifying the mining, ranching and railroading history of the Old West;*
- *Provide opportunities for compatible outdoor public recreation, protect and interpret ecological and geological features and historic, paleontological, and archaeological sites, maintain wilderness resource values, and promote public understanding and appreciation of the California desert; and*
- *Retain and enhance opportunities for scientific research in undisturbed ecosystems.*

Title III of this act enlarged the monument and changed the designation to Death Valley National Park. Approximately 1.3 million acres of new lands were added to the park, bringing the total acres to about 3,367,000. Later refinements in mapping and completion of the legal land description established the park's legal acreage as 3,396,192.

Title VI, section 601 of the California Desert Protection Act of 1994 also designates the Death Valley National Park Wilderness, comprising approximately 3,158,038 acres. Later refinements in mapping and completion of the legal land description established the wilderness acreage as 3,102,456 acres dated May 25, 2010.

The 1994 California Desert Protection Act also defines constraints that necessarily limit management discretion and decision-making during this planning process. Below are some planning constraints in the California Desert Protection Act (see appendix A for complete text).

- Historical and Cultural Values {Title I, sec. 2(b)(1)(C)}: The park will protect and preserve historical and cultural values of the California desert associated with the ancient Indian cultures, patterns of western exploration and settlement, and sites exemplifying the mining, ranching and railroad history of the old West.
- Withdrawal (Title III, sec. 305): Death Valley National Park was withdrawn from all forms of entry under the public land laws, mining laws and mineral leasing laws. However, valid existing rights are recognized and many mining claims exist in the park as a result of the area being previously open to staking of claims.
- Grazing (Title III, sec. 306): The privilege of grazing domestic livestock on lands within the park can continue to be exercised at no more than the current level (1994), subject to applicable laws and NPS regulations.
- Private Lands (Title V, sec. 519): Lands not owned by the United States are not subject to regulations that apply only to federal lands. However, application of mineral development regulations (36 CFR Part 9A and 9B) is not affected by this section.
- Native American Access (Title VII, sec. 705a): In recognition of the past use of NPS units and wilderness by Indian people for traditional cultural and religious purposes, the Secretary shall ensure access to such park system units and wilderness areas by Indian people for traditional cultural and religious purposes. The section also provides for temporary public closures of the smallest practicable area and for the minimum period necessary, if requested, to protect the privacy of these activities. Such access must be consistent with the American Indian Religious Freedom Act and the Wilderness Act for designated wilderness areas.
- Access to Private Property (Title VII, sec. 708): The Secretary will provide adequate access to lands or interest in lands not federally owned, which will provide the owner with reasonable use and enjoyment.
- Reserved Water Rights (Title VII, sec. 706): Congress has reserved a quantity of water sufficient to fulfill the purposes of the act.
- Military Overflights (Title VIII, sec. 802): Nothing in the act shall restrict or preclude low-level overflights of military aircraft over new units of the national park or wilderness preservation systems (or any additions to existing units) including overflights that can be seen or heard within such units.

#### **1.4.6 Principles for Wilderness Management in the California Desert (1995)**

The Desert Managers Group is a chartered organization established as the forum for government agencies to address and discuss issues of common concern in the California deserts and includes the following partners: National Park Service, Bureau of Land Management, U.S. Fish and Wildlife Service, and Department of Defense. Death Valley National Park is a partner in the Desert Managers Group and the superintendent is a signatory to its charter as well as the policy documents entitled "Principles for Wilderness Management in the California Desert" (which are commonly known as the "Wilderness Annexes"). These documents reiterate the basic concepts of the Wilderness Act and prescribe common procedures that apply to all wilderness areas managed by each federal agency, to the greatest extent legally permissible. Specific annexes identify principles and procedures related to grazing administration, law enforcement and border operations, water rights, scientific, recreational, and commercial uses, wildland fire, exchanges of federal lands for non-federal lands with parties other than the California State Lands Commission, health and safety of persons, and defining minimum requirements for administering wilderness areas.

#### **1.4.7 The Timbisha Shoshone Homeland Act (2000)**

Death Valley National Park includes 1,411,838 acres that are part of the Timbisha Shoshone Natural and Cultural Preservation Area as established by the Timbisha Shoshone Homeland Act of 2000; the vast majority of those acres are in designated wilderness. In recognition of the significant contributions the Timbisha Shoshone Tribe has made to the history, ecology, and culture of the park and to ensure that the visitor experience in the park will be enhanced by the increased and continued presence of the Tribe, these lands provide for the Tribe's continued use of park resources for traditional tribal purposes, practices, and activities.

#### **1.4.8 Death Valley National Park General Management Plan (2002)**

After the significant boundary expansion of 1994, the NPS completed a comprehensive planning effort to develop a new General Management Plan and accompanying Environmental Impact Statement. The Record of Decision was signed September 27, 2001 and the planning process was concluded with the publication of a notice in the Federal Register on March 26, 2002 that the Record of Decision had been approved (NPS 2002). General management plans are broad in scope and focus on the purposes of the unit, its significant attributes, its mission in relation to the overall mission of the agency, what activities are appropriate within these constraints, and resource protection strategy. They also provide guidelines for visitor use and development of facilities for visitor enjoyment and administration. More detailed activity or implementation plans are prepared subsequent to the approval of the general management plan and further refine the issues and management strategies for a specific topic. This Wilderness and Backcountry Stewardship Plan is one such implementation plan.

The mission, purpose, significance, and management objectives established in the general management plan and relevant to wilderness and/or backcountry lands or visitor uses are included in next five pages. These items are not being reconsidered in the current planning process, but rather are used to provide the context in which decisions related to wilderness and backcountry are made.

*Excerpt from 2002 Death Valley National Park General Management Plan:*

## PURPOSE AND MANAGEMENT

An essential part of the planning process is understanding the purpose and significance of the land for which the plan is being prepared. In the case of federal lands, Congress provides the purpose(s) of the unit and the mission of the agency charged with managing the area. Significance is usually determined by familiarity with the natural and cultural resources of the region, although some significant elements are often recognized in the enabling legislation.

## MISSION

**Death Valley National Park Mission:** Death Valley National Park dedicates itself to protecting significant desert features that provide world class scenic, scientific, and educational opportunities for visitors and academics to explore and study.

**NPS Mission:** The National Park Service mission was clearly stated in its 1916 Organic Act:

“...the fundamental purpose of the said parks, monuments, and reservations, which purpose is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.”

## PURPOSE

- Preserve the unrivaled scenic, geologic, and natural resources of these unique natural landscapes, while perpetuating significant and diverse ecosystems of the California desert in their natural state. Ensure the maximum protection of wilderness values provided by law.
- Preserve the cultural resources of the California desert associated with prehistoric, historic and contemporary Native American culture, patterns of western exploration, settlement and mining endeavors.
- Provide opportunities for compatible public outdoor recreation and promote the public's understanding and appreciation of the California desert by interpreting the natural and cultural resources.
- Retain and enhance opportunities for scientific research in undisturbed ecosystems.

## SIGNIFICANCE

- Death Valley National Park contains the lowest point in North America at 282 feet below sea level. The valley floor receives the least precipitation in the United States (average 1.84 inches per year) and is the site of the nation's highest and the world's second highest recorded temperature (134 degrees Fahrenheit or 57 degrees Celsius).
- Death Valley National Park is world renowned for its exposed, complex and diverse geology and tectonics, and for its unusual geologic features, providing a natural geologic museum that represents a substantial portion of the earth's history.
- Death Valley has been the continuous home of Native Americans, from prehistoric cultures to the present day Timbisha Shoshone Tribe.
- The extremely colorful, complex, and highly visible geology and steep, rugged mountains and canyons provide some of the most dramatic visual landscapes in the United States.
- Death Valley National Park contains one of the nation's most diverse and significant fossil records and most continuous volcanic histories.
- Death Valley National Park contains five major sand dune systems representing all types of dune structures, making it one of the only places on earth where this variety of dune types occurs in such close proximity. It also contains the highest dunes in California — Eureka Sand Dunes.
- Death Valley National Park is one of the largest expanses of protected warm desert in the world. Ninety-five percent of the Park is designated wilderness, providing unique opportunities for quiet, solitude, and primitive adventure in an extreme desert ecosystem.
- Contrary to many visitors' first impression, Death Valley National Park's natural resources are extremely diverse, containing a large variety of plant species and community types. The area preserves large expanses of creosote bush valleys and other vegetation typical of the Mojave Desert. Extreme conditions and isolation provide habitat for an unusually high number of plant and animal species that are highly adapted to these conditions.

*Excerpt from 2002 Death Valley National Park General Management Plan:*

- Death Valley National Park has an extensive and well-preserved mining history representing over 100 years of mining technology.
- Death Valley National Park contains an unusually high number of well-preserved archeological sites, including rock art and alignments.
- Scotty's Castle, with its architectural style, quality, and priceless collection of antiques and art objects, built in a remote, isolated desert location in the early 1900s, is an icon that has immense public appeal.



### PRIMARY INTERPRETIVE THEMES

The primary Park stories or interpretive themes are overview statements that provide the basis for communicating the purpose and significance of the Park and provide the elements that the Park believes each visitor should develop an understanding of during their visit. Interpretation is a process of education designed to stimulate curiosity and convey messages to the visiting public. These themes will be developed during the preparation of a comprehensive interpretive plan for the Park and will guide the development of interpretive materials (signs, brochures, walks, talks, etc.).

### MANAGEMENT OBJECTIVES

#### NATURAL AND CULTURAL RESOURCES

- Maintain, preserve, interpret, and perpetuate the aesthetic setting, and the natural and cultural resources, of Death Valley National Park in such a manner as to:

- Protect the significant natural and cultural resources and values of the Park, including geologic features, and to foster an improved understanding of natural processes through monitoring efforts and scientific research.
- Perpetuate native plants and animal life for their essential roles in the natural ecosystem.
- Strive to reduce or eliminate alien species to ensure long-term survival of the native ecosystem.
- Ensure the perpetuation of rare and endangered plants and animals and those species endemic (specific) to Death Valley National Park.
- Perpetuate and increase water resource science and conservation.
- Perpetuate the Devils Hole pupfish in the detached Devils Hole section of the Park.
- Eliminate existing and prohibit new occurrences of all activities inconsistent with the protection of the natural ecosystem, except in the Park's developed areas, as noted in the Park's management plans.
- Restore to natural appearance, inasmuch as feasible, the land surfaces disturbed by man, recognizing that significant cultural values must be preserved.
- Prohibit or minimize the adverse effects of mining and mineral development that conflict with resource preservation and public appreciation of natural and cultural values.
- Provide for the reclamation of mining areas and the eventual completion or phaseout of mining.
- Maintain air quality monitoring to facilitate implementation of means to prevent deterioration of air quality and visibility.
- Continue to pursue redesignation of Death Valley National Park from a class II floor area to a class I air quality area.
- Prevent, eliminate, or reduce artificial lighting and noise in order to preserve the opportunity for visitors to experience the night sky and stillness of the desert.
- Perpetuate unimpaired the Park's cultural and archeological resources, protecting them from vandalism, unauthorized excavation, collection, or appropriation.

*Excerpt from 2002 Death Valley National Park General Management Plan (continued):*

- Protect the Park's collections of natural and cultural objects from deterioration, natural disaster, misuse, and loss.
- Operate and manage Scotty's Castle, its grounds, and environs to recreate the atmosphere of the period of its construction and occupation by Walter Scott and Mr. and Mrs. Albert Johnson.
- Support research programs pertaining to natural and cultural resources and to social sciences, consistent with the Park's resource protection and visitor services mission.

### **WILDERNESS VALUES**

- Manage and protect wilderness values and resources so as to ensure public understanding and appreciation of the vast wilderness assets of the Park.
- Strive to restore disturbed areas in wilderness.

### **VISITOR USE**

- Provide the visitor to Death Valley National Park with the opportunity to discover, explore, and understand the natural and cultural resources of the Park.

### **INTERPRETIVE SERVICES**

- Offer a variety of quality informational services that differ in format, media, and intensity of presentation, and that are sensitive to the special needs, interests, and cultural backgrounds of a diverse mix of visitors.
- Offer visitors an understanding of Park values and resources, and include as an integral part of interpretive materials major Park management and resource protection challenges.
- Enhance the visitor understanding of Native American cultures.
- Maximize opportunities for visitor enjoyment and appreciation of interpretive services, facilities, and resources, consistent with other Park management objectives.
- Provide information on the surrounding area, including appropriate safety awareness for visitor use of rugged, isolated Death Valley and its environs.

- Maintain a library and a study collection operation that is up-to-date and reflects current preservation policies.
- Maximize services (talks, facilities) for educational and other groups that enrich the Park's database and enhance their understanding and appreciation of Death Valley.

### **RECREATIONAL ACTIVITIES**

- Permit access to all areas of the Park, consistent with resource protection objectives and within optimum carrying capacities/use limits.
- Offer a variety of recreational opportunities that are sensitive to the range of visitor interests, physical capabilities, and time and financial limitations.
- Provide an opportunity for exploring the backcountry, experiencing the wildness of the high Panamint, Grapevine, Cottonwood, and Funeral ranges, as well as camping and sight-seeing in a setting of climatic relief from the valley floor; provide a wilderness experience for those who desire it, in balance with the limitation of the fragile resource.
- Provide access to points of interest within the Park by a variety of means, including automobiles, tour buses, four-wheel-drive vehicles, horses, hiking and facilities for private aircraft.



### **COMMERCIAL SERVICES**

- Maintain, preserve, and perpetuate an aesthetic setting for commercial services and community support services, with Furnace Creek being retained as the focal point, and provide secondary year-round commercial facilities and services at Scotty's Castle, Stovepipe Wells, and Panamint Springs.
- Perpetuate the use of historic structures and facilities for commercial purposes, in a manner consistent with their historical significance.

### **FACILITIES AND SERVICES**

- Compatible with resource protection goals and carrying capacity limits, provide facilities and services to accommodate visitor needs.
- Maximize use of existing facilities and accommodate necessary expansion of visitor facilities and services; build new facilities or expand existing facilities only when a clearly demonstrated, continuing need exists, ensuring that environmental impacts are minimized.
- Provide for a variety of overnight visitor accommodations (including lodging and camping) and food services, while ensuring the preservation of natural and cultural resources.
- Encourage appropriate development of overnight facilities and related services by private inholdings and private enterprise outside the Park.
- Ensure that authorized commercial uses in Death Valley National Park are compatible with the preservation and safe enjoyment of the Park's resources.
- Improve water handling facilities to assure appropriate conservation.
- Ensure that the types and prices of commercial services provided will accommodate a range of Park visitors and needs.
- Through landscaping and design, screen concessioner and National Park Service operations and maintenance areas from visitor areas.
- Develop utilities and telephone service only as needed; investigate alternative energy systems, especially solar and water, to minimize energy

consumption and environmental impacts.

- Provide seasonal levels of commercial services that are responsive to visitor use patterns.

### **OPERATIONS**

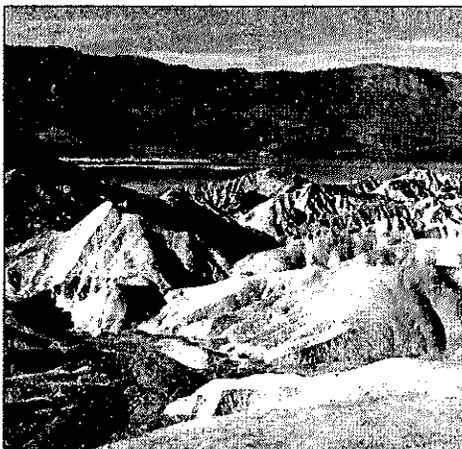
- Maintain the public use and administrative support facilities and equipment in a manner that will provide visitors safe and enjoyable experiences and prolong the life of the equipment and facilities.
- Provide for visitor and employee safety through an ongoing safety program that recognizes the hazards of heat and flash floods, as well as the physical hazards of mine areas.
- Provide employees with a safe and healthy work environment and with training to work safely.
- Upgrade and replace directional/informational signs so as to better aid visitors, recognizing that signs should fit into a parklike environment.
- Manage the maintenance program in a cost-effective manner; supervise proper use of manpower, equipment, supplies, and money.
- Promote strategies for management efficiency through revenue enhancement (fee collection), private sector support, volunteerism, improved concessioner maintenance, and productivity enrichment (contracted services).
- Provide timely service to Park employees in personnel management, procurement, finance, word-processing, mail, and dispatch/telephone operations, thereby improving morale and allowing Park staff to better use their time in meeting visitor and resource needs.
- Provide for adequate housing, employee services, and recreational opportunities for employees.

### **REGIONAL PLANNING AND COOPERATION**

- Cooperate with other federal, state, and local agencies and private interests in the development of plans, facilities, and programs in order to provide more effective service to the public.
- Work with California (Inyo and San Bernardino counties) and Nevada (Nye and Esmeralda counties) to obtain concurrent jurisdiction status for the Park.

*Excerpt from 2002 Death Valley National Park General Management Plan (continued):*

- Communicate to visitors and scientists the concept of the *Man and the Biosphere* program, and cooperate with Joshua Tree National Park, Anza-Borrego Desert State Park, and the University of California's Boyd Deep Canyon, which together with Death Valley comprise the Mojave and Colorado Deserts Biosphere Reserve.
- Encourage the use of Death Valley's resources as a center of scientific research interest, consistent with the perpetuation of native natural processes and the preservation of extant cultural resources.
- Work with the state of Nevada and various research institutions in the understanding and management of the Death Valley aquifer.
- Cooperate with the state of California to provide for road maintenance and patrol, with Inyo County for health, educational, library, and law enforcement services, and with the U.S. Postal Service; ensure that all these services benefit employees, their families, and visitors.
- Maintain coordination and cooperation with California Department of Fish and Game in relation to fish and wildlife issues.
- Encourage the perpetuation of Death Valley's Native American cultural heritage.



## FUTURE PLANNING EFFORTS

As a result of efforts made to date, additional NPS planning documents have been identified as being needed to supply detailed information for specific topics. Where appropriate, public involvement will be sought on all of these plans through the environmental assessment process. Additional planning efforts that may be undertaken over the next ten years include the following:

- **comprehensive interpretive plan**
- **wilderness/backcountry management plan**
- **fire management plan**
- road management plan
- **grazing management plan**
- site management plan for Saline Valley\*
- development concept plan for Furnace Creek/Cow Creek\*
- **development concept plan for Grapevine**
- **updated development concept plan for Stovepipe Wells**
- commercial services plan
- **historic resources study/development concept plan for Scotty's Castle**
- sign plan
- **wayside exhibit plan**
- **site management plan for Eureka Dunes**
- minerals management plan
- inventorying and monitoring plan\*
- natural and cultural resource management plan updates\*
- (This plan will cover the entire Park, rather than just the newly acquired areas).
- cooperative program plans with Timbisha Shoshone Tribe\*
- Wildrose site plan
- **annual strategic plan**

Plans in **bold text** are either currently being prepared or already exist as of September 2001. Those with asterisks are considered the highest priority plans to initiate next.

The *Environmental Impact Statement* for the *Death Valley National Park General Management Plan* also provides a general description of desired future conditions for natural and cultural resources and the visitor experiences consistent with the concept of carrying capacity. That is, the ecological or physical capabilities of the natural and cultural resources to sustain visitor use without unacceptable levels of damage, the social carrying capacity of visitors to enjoy and appreciate these resources without interference by other visitors, and the type and amount of NPS management that can be applied to mitigate impacts. The descriptions provided are qualitative in nature and will be refined and translated into quantitative measures with the current planning effort. Those desired future conditions that are most relevant to the scope of this Wilderness and Backcountry Stewardship Plan are included below:

Natural Areas: An informal, self-guiding learning experience is provided for visitors in these areas. People are encouraged to get out of their vehicles and walk to features. The pace is slower with low to moderate levels of noise. Visitors typically focus on specific resources with few visual intrusions. Visitors experience a sense of learning through onsite interpretation and other means. The length of stay at each site is relatively short in comparison to the time the visitor spends in the park. There is a moderate amount of social crowding and moderate social interaction at points of interest and along dead-end trails. Guided ranger walks are occasionally provided for visitors at some locations. Development is limited to items such as low interpretive panels, small directional signs, and hardened dirt paths. Fences and boardwalks are used as a last resort to protect resources if other management efforts do not work. The tolerance for resource degradation is low to moderate, depending upon the sensitivity of the resources to impacts by use. The degree of onsite visitor and resource management is moderate and increases or decreases with visitation levels.

Wilderness: Visitors to this landscape experience a primeval environment largely untrammelled by humans, where the land retains its primeval character and influence, without permanent improvements or human habitation, but may contain features of scientific, educational, scenic, or historic value. Elements of modern human occupation are not appropriate unless they meet the criteria for the Wilderness Act. Some sections of wilderness within the park may have remnants of human occupation, but these features are considered a part of the history and scenery to be explored. A high degree of physical exertion may be required to hike or ride horseback to this area. A minimal amount of hiking trails may be present, often requiring a person to travel cross-country to get to a desired destination. Abandoned roads may be used as routes of travel. Opportunities for independence, closeness to nature, tranquility, and the application of outdoor skills are high. Opportunities for social interaction with other visitors are low, as is the probability of encountering NPS employees. Likewise, evidence of other visitor impacts is minimal. The landscape offers a high degree of challenge and adventure for visitors. The visual quality of the landscape contributes significantly to the visitor experience and needs to be protected. The tolerance for resource degradation is low, with the exception of designated trail corridors, where a slightly higher level of degradation is allowed within a few feet of the trail and at points where camping occurs. A minimal amount of resource and visitor management is present. Offsite visitor management (provision of information) is low to moderate.

Unmaintained Dirt and Four-Wheel-Drive Roads: Unmaintained dirt roads provide a unique experience for drivers and other users such as mountain bike riders, equestrians, and hikers. The predominant use is by visitors in vehicles driving to enjoy the scenery, or to go to historic mining sites, or to a specific feature. Some visitors experience a strong sense of exploration, challenge, and adventure. Travel speeds are slow to moderate, with the potential

of frequent stops. Many of these roads give visitors a sense of escape from urban life. The areas through which these roads pass are predominantly natural, but there is some evidence of people having used the area in the past and present. Increased impacts from human use are prevented to protect the existing qualities of the landscape. Support features such as small directional signs or interpretive panels are present but infrequently seen and inconspicuous in character. Visitors may need to extend themselves, use outdoor skills, and make a significant time commitment. Some roads within the park have rough conditions that often require specific driving skills and more time to complete the route. Opportunities for challenge and adventure are available on some 2-wheel-drive roads that require high clearance vehicles. Opportunities for social interaction are low, unless people are traveling in a group. A moderate level of management is provided on heavily used roads to protect resources and visitors. Many people who use these roads do not wish to see many other vehicles. Resource modification is evident, but where possible, should harmonize with the natural environment. The park's tolerance for resource degradation in this zone is low except for limited signs, road surfaces, and shoulders, pullouts, and areas where camping is permitted. It is recognized that some 4-wheel-drive roads have a number of short sections that have been widened by natural occurrences such as washouts.

#### 1.4.9 NPS Management Policies 2006

NPS *Management Policies 2006* requires the analysis of potential effects of each alternative to determine if actions would impair park resources. To determine impairment, the NPS must evaluate “the particular resources and values that would be affected; the severity, duration, and timing of the impact; the direct and indirect effects of the impact; and the cumulative effects of the impact in question and other impacts.” The NPS must always seek ways to avoid or minimize, to the greatest degree practicable, adverse impacts on park resources and values. However, the laws do give the NPS management discretion to allow impacts to park resources and values when necessary and appropriate to fulfill the purposes of a park, as long as the impact does not constitute impairment to the affected resources and values.

Wilderness is designated by Congress as provided for in the Wilderness Act. “Wilderness Preservation and Management,” Chapter 6 of the NPS *Management Policies 2006* details how wilderness in the National Park System lands will be managed and provides a policy direction about a variety of specific issues such as planning, monitoring, fire management, research, and other topics. Specific guidance is provided in Directors Order/Reference Manual #41: *Wilderness Stewardship* (NPS 1999). The general statement from NPS *Management Policies 2006* directs that:

*The National Park Service will manage wilderness areas for the use and enjoyment of the American people in such a manner as will leave them unimpaired for future use and enjoyment as wilderness. Management will include the protection of these areas, the preservation of their wilderness character, and the gathering and dissemination of information regarding their use and enjoyment as wilderness. The purpose of wilderness in the national parks includes the preservation of wilderness character and wilderness resources in an unimpaired condition, and in accordance with the Wilderness Act, wilderness areas shall be devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use.*

Backcountry is not a legal designation and decisions regarding its management are more discretionary provided it is consistent with NPS policies. Backcountry use is briefly addressed in “Chapter 8: Use of the Parks” in the NPS *Management Policies 2006* in section 8.2.2.4., which states:

*The Park Service uses the term backcountry to refer to primitive, undeveloped portions of parks. This is not a specific management zone, but rather refers to a general condition of land that may occur anywhere within a*

*park. Backcountry use will be managed in accordance with a backcountry management plan (or other plan addressing backcountry uses) designed to avoid unacceptable impacts on park resources or adverse effects on the visitor enjoyment of appropriate recreational experiences. The Service will seek to identify acceptable limits of impacts, monitor backcountry use levels and resource conditions, and take prompt corrective action when unacceptable impacts occur. Strategies designed to guide the preservation, management, and use of the backcountry and to achieve the park's management objectives will be integrated into the park's backcountry management plan. Backcountry under study, proposed, or recommended for wilderness designation will be managed consistent with the wilderness stewardship policies in chapter 6. The number and type of facilities to support visitor use in backcountry areas, including sanitary facilities, will be maintained at the minimum necessary to achieve a park's backcountry management objectives and to provide for the health and safety of park visitors. To avoid the need for sanitary facilities, public use levels will be managed, where practicable, in accordance with the natural system's ability to absorb human waste. The Service will not provide refuse containers in backcountry areas. All refuse must be carried out, except that combustible materials may be burned when authorized by the Superintendent.*

#### **1.4.10 Inholdings and Retained Rights**

The complex relationship between these and others laws results in several specific retained rights that are relevant to the backcountry and wilderness lands in Death Valley National Park. Additional details can be found in the "Death Valley Land Protection Plan," which was completed as part of the general management plan (NPS 2002). The inholdings and retained rights most relevant to this Wilderness and Backcountry Stewardship Plan are summarized below.

**Inholdings.** Private lands totaling almost 10,444 acres exist within the boundaries of Death Valley National Park, including 2,977 acres in wilderness. These lands include mining claims, small private land holdings, and the 326 acre Furnace Creek Resort.

There are currently 28,973 acres of state lands in the park, including 26,232 acres in wilderness. These are scattered parcels primarily located in the former BLM lands that were added to the park in 1994. Most of these parcels are state school lands but there are also small holdings of CalTrans and California Department of Fish and Game. There is an active program in the park to swap parcels with BLM disposal lands outside of the park to eventually eliminate the state land holdings within the park boundary and provide for consolidated parcels of state lands in locations that better meet state needs, as described in the Land Protection Plan as an appendix to the general management plan (NPS 2002).

Timbisha Tribal Land, managed under the Bureau of Indian Affairs, totals 308 acres and is located in the Furnace Creek area.

**Mining Claims.** There are 535 acres of unpatented mining claims in the park, the holdings of 36 individual claims. Of these, 147 acres are located in wilderness.

There currently are 19 patented mining claims on privately held lands within the boundaries of Death Valley National Park, most of which are outside of the backcountry and wilderness lands addressed in this plan.

**Grazing Permits.** With the passage of the Desert Protection Act of 1994, and the subsequent enlargement of Death Valley National Park, the NPS inherited four grazing allotments from the BLM. Subsequently, three of the allotments have been permanently retired. The Hunter Mountain Allotment (86,400 acres in the park, including both wilderness and backcountry lands), the only open and permitted allotment in the park, is on the western edge of the park and is grazed on a seasonal basis. The park's general management plan (NPS 2002) calls for the permanent retirement of this allotment.

**Rights of Way.** There is an existing above ground electrical transmission corridor operated by Southern California Edison that runs between Furnace Creek and Stovepipe Wells, totaling 684 acres, that is designated potential wilderness. As described in section 601(b) of the California Desert Protection Act, upon cessation of all uses prohibited by the Wilderness Act and after fulfilling certain notifications, the designated potential wilderness lands will become part of the Death Valley National Park Wilderness. The powerline remains in use and there are no plans at this time to cease such uses.

There are numerous communication installations operated under historical use and various rights-of-way in the Mormon Peak and Rogers Peak areas of the park. The origin of such uses goes back decades and is determined by the optimal height and geography needed to meet the engineering requirements, which have changed over time and continue to evolve. The Mormon Peak phone communication installations are in wilderness and the area surrounding the Rogers Peak site is in non-wilderness backcountry lands. Due to the increasing demands for new or upgraded installations at the Rogers Peak site, a separate site plan and environmental assessment is slated for preparation in 2012-2013.

**Native American Rights.** The Timbisha Shoshone Homeland Act of 2000 established non-exclusive special use areas for the Timbisha Shoshone Tribe, subject to other federal law. Under the act, members of the Tribe are authorized to use the special use areas for low-impact ecologically sustainable traditional practices pursuant to a jointly established management plan, mutually agreed upon by the Tribe and by the National Park Service. One of the special use areas defined in the act, the Timbisha Shoshone Natural and Cultural Preservation Area, overlaps significantly with Death Valley National Park's backcountry and wilderness areas. The National Park Service is directed by the act to accommodate access by the Tribe to, and use by the Tribe of, the Timbisha Shoshone Natural and Cultural Preservation Area for traditional cultural and religious activities in a manner consistent with the American Indian Religious Freedom Act (42 U.S.C. 1996 et seq.) and consistent with the Wilderness Act (16 U.S.C. 1131 et seq.).

The Department of the Interior and the Timbisha Shoshone Tribe completed a Legislative Environmental Impact Statement in November 2000 that provides a framework for cooperative management and lays the foundation for the Park and the Tribe to enter into cooperative agreements and management plans that provide the Tribe with access to and use of certain designated specified areas under the Park's jurisdiction for cooperative activities with the intent of enhancing the natural and cultural values of the designated areas. All cooperative agreements or management plans would comport with objectives described in management plans for the designated specified areas, and shall comply with applicable state and federal law. The Tribe currently exercises its rights to traditional cultural practices, including traditional cultural uses of plant materials, access and caretaking of certain spring sites, and other religious practices authorized by the Timbisha Shoshone Homeland Act and the American Indian Religious Freedom Act.

## **1.5 PLANNING EFFORTS RELEVANT TO WILDERNESS AND BACKCOUNTRY STEWARDSHIP**

This section describes previous wilderness and/or backcountry planning efforts as well as contemporary planning efforts relevant to this document.

### **1.5.1 Previous Wilderness and/or Backcountry Planning Efforts**

In the 1970s about 90% of the park (then Death Valley National Monument) was recommended as wilderness, and with the passage of the Mining in the Parks Act in 1976, the overall management direction

focused on maintaining and restoring a wild backcountry and accommodating appropriate uses. To that end various requirements and limitations were established via administrative actions over the years, focused on managing backcountry resources and limiting visitor uses that would have lasting impacts on it. These were communicated to the public via the “Dirt Road Travel and Backcountry Camping” brochure and map. The first draft “Backcountry Management Plan” was drafted internally by consecutive Chief Rangers in the late 1980s or early 1990s, and it established some visitor use restrictions that eventually came to be implemented via the *Superintendents Compendium*, but was considered an administrative document and did not include compliance documentation for the National Environmental Policy Act. In 1994, the passage of the California Desert Protection Act enlarged the park to its current size and designated most of the park as wilderness. Following the designation of wilderness, there were several draft documents produced internally by park staff, including: “Draft Interim Rules and Management Policies for DVNP Backcountry” (1995), “Backcountry/Wilderness Field Guide” (1997, revised in 2000), “Draft Wilderness Monitoring Plan” (2000), and “Draft Wilderness/ Backcountry Management Plan and Environmental Assessment” (2002). None of these documents completed a formal internal or public review process whereby they were officially adopted.

Discussion with park staff members familiar with some of the early wilderness and backcountry efforts reveal that there were many good ideas incorporated into those draft documents and some individual actions were carried forward in the superintendent’s compendium and visitor use recommendations, but there was no overall buy-in from park management or commitment of personnel and funding to complete the process. Furthermore, there were various wilderness management efforts arising from different divisions in the park (e.g. Interpretation, Protection, and Resource Management) as a result of personal interest or issue to be resolved but there was no interdisciplinary planning effort to develop and enact a shared vision for the stewardship of Death Valley National Park Wilderness.

Significant wilderness/backcountry regulations from those early efforts that have been included in the superintendent’s compendium are listed below to define existing management direction:

- 15 person, six vehicle camping limit along backcountry roads (1996)
- Eureka Valley dunes closed to sandboarding (2000)
- No horses allowed on Eureka, Stovepipe, and Ibex sand dunes
- Weed free feed required for horses (early 2000s)

### **1.5.2 Contemporary Planning Efforts Relevant to Wilderness and/or Backcountry**

**Air Tour Management Plan.** The Federal Aviation Administration (FAA), in cooperation with the National Park Service (NPS), has initiated development of an Air Tour Management Plan (ATMP) for Death Valley National Park, pursuant to the National Parks Air Tour Management Act of 2000.

Seven air tour operators currently provide commercial air tours over and within ½ mile of Death Valley. Since January of 2003, these 7 operators have had authority to conduct a maximum combined total of 67 air tours per year, though in recent years, operations have been below this level. The primary attractions for air tour visitors are Badwater, Scotty’s Castle, Ubehebe Crater, the Racetrack, and the rugged expanse and geologic features of the park.

An ATMP is being developed to provide measures to mitigate or prevent significant adverse impacts, if any, of commercial air tour operations at Death Valley, including impacts on natural and cultural resources, visitor experiences, and tribal lands within or around the park. It should be noted that the ATMP has no authorization over other non-air-tour operations such as military and general aviation operations.

**Saline Valley Warm Springs Management Plan.** Saline Valley Warm Springs is a non-wilderness site, accessed by unpaved roads and surrounded by backcountry and/or designated wilderness. It has not been formally or systematically developed for use by the NPS but does have a number of user developed and maintained structures and facilities. There is a long history of communal use for soaking and camping and the area has a number of deeply committed users. The *Death Valley National Park General Management Plan* directed that a site specific management plan would be prepared in consultation with interested public through the NEPA process. The goal of the plan is to establish a management framework for the Saline Valley Warm Springs area. The plan is likely to address natural and cultural resources management, public health and safety, visitor use and experience, and ethnographic resources of the Timbisha Shoshone Tribe. This planning effort was initiated in 2012 and will not be completed until winter of 2015 at the earliest.

**Exotic Vegetation Management Plan.** Death Valley National Park currently manages the spread of non-native plant species with manual and chemical treatments developed in an updated workplan that receives annual review under the National Environmental Policy Act. This environmental review includes a Minimum Requirements Analysis for any work in wilderness. The park will likely initiate a public planning process with the goal of developing a comprehensive Exotic Vegetation Management Plan and accompanying environmental assessment in late 2012 or early 2013. The proposed Exotic Vegetation Management Plan is expected to incorporate integrated pest management techniques, and will examine mechanical, biological, chemical, and cultural control methods.

**Surprise Canyon Management Plan.** In May of 2002 the Bureau of Land Management (BLM) issued a notice that they would amend the California Desert Conservation Area Plan and complete an Environmental Impact Statement (EIS) for BLM's portion of Surprise Canyon. As mandated by court settlement of a lawsuit, the EIS would make a decision on whether to allow vehicular access in Surprise Canyon. In June 2003, the National Park Service joined the planning process as a cooperating agency, and the scope of the plan was expanded to include analysis of the portion of Surprise Canyon that runs from the boundary of Death Valley National Park to Panamint City.

In December of 2002 the Northern and Eastern Mojave Plan (NEMO) was signed by the BLM. The NEMO plan included an appendix T which found portions of Surprise Canyon Creek eligible for Wild and Scenic River designation, beginning at Chris Wicht's Camp with a recommended designation incompatible with a vehicle route. The BLM currently administers Surprise Canyon Creek with a route closure, parking area, and hiking register at Chris Wicht's Camp. Long-term administration of Surprise Canyon would be determined by the completion of the EIS, or if Congress decides whether or not the creek should be included in the national Wild and Scenic River system. There is active legislation on the floor of the United States Senate to designate Surprise Canyon Creek as a Wild and Scenic River, with portions on both the BLM side of the boundary and the NPS side of the boundary proposed for designation. A draft EIS for Surprise Canyon has not been completed.

### 1.5.3 Inyo County General Plan

The Inyo County General Plan is the county's constitution for land uses within Inyo County (Inyo County 2001). The following General Plan Elements are relevant to the Death Valley Backcountry/Wilderness Plan: Government, Land Use, Economic Development, Circulation, and Conservation/Open Space. Most of the Park is identified by Inyo County's Land Use Element as "State and Federal Lands (SFL)," with the vast majority being federal land. The proposed Plan is consistent with this designation.

The NPS has worked with Inyo County as a cooperating agency for this planning process to ensure that the County's voice and the viewpoints of its citizens are heard, and thereby complies with the Inyo County General Plan's goals and policies under the Government Element to coordinate with the County. Park staff

has also listened to the input of the general public, including those residing and recreating in Inyo County, and has incorporated these viewpoints to the extent feasible. The proposed Wilderness and Backcountry Stewardship Plan furthers the Inyo County General Plan's goals and policies under its Government Element and Economic Development Element to encourage visitor serving uses and provide for access (including vehicular access, access for four-wheel-drive vehicles, and recreation). A variety of transportation options are supported by the proposed Wilderness and Backcountry Stewardship Plan, including non-motorized access, consistent with the Inyo County General Plan's Circulation Element. The Wilderness and Backcountry Stewardship Plan works to balance access with biological resources, encourage access to the County's natural and cultural resources, and protect cultural resources, consistent with the Conservation Element. The Wilderness and Backcountry Stewardship Plan's restrictions on group size and fire use are necessary to protect natural and cultural resources, and thereby further the General Plan's goals and policies under the Conservation Element to provide a balanced approach to resource protection and recreational use of the natural environment, as well as to preserve and protect key resources that have contributed to the social, political, and economic history and prehistory of the area.

## 1.6 DESIRED CONDITIONS FOR WILDERNESS AND BACKCOUNTRY

### 1.6.1 Desired Conditions Specific to Wilderness Character

Wilderness character, while not specifically defined in the Wilderness Act, may be described as the combination of biophysical, experiential, and symbolic ideals that distinguish wilderness from all other lands (Landres et al. 2008). These ideals form a complex set of relationships between the land, its management, and the meanings people associate with wilderness. An interagency team has developed a national framework for wilderness character monitoring using four qualities of wilderness related to wilderness character:

- **Untrammeled:** Wilderness is essentially unhindered and free from modern human control or manipulation. This quality captures the intent to manage with the utmost humility and restraint and to respect the autonomy of nature by letting a place be wild and free.
- **Natural:** Wilderness ecological systems are substantially free from the effects of modern civilization. This quality aims to preserve indigenous species, patterns, and ecological and evolutionary processes and to understand and learn from natural systems.
- **Undeveloped:** Wilderness retains its primeval character and influence, and is essentially without permanent improvements or modern human occupation. This quality preserves places from expanding settlement and growing mechanization and allows people to feel a part of the community of life.
- **Solitude:** Wilderness provides outstanding opportunities for solitude or primitive and unconfined recreation. This quality provides for primitive recreation and the use of traditional skills, embraces personal challenge and self-discovery, and provides freedom from the constraints of modern culture.

Wilderness character at Death Valley includes these universal and intrinsic qualities of wilderness character: naturalness, solitude or primitive and unconfined recreation, undeveloped, and untrammeled. In addition, discrete features of the landscape represent these wilderness values: ecological, geological, scientific, educational, scenic, and historical. Specifically, wilderness values are things that add value to wilderness *where they occur* but are not universally intrinsic to all wilderness lands. Plus, it includes the intangible aspects of wilderness character, most notably the historic and continuing relationship of the Timbisha Shoshone people to their ancestral homeland.

In general, the desired condition is to preserve or improve wilderness character since the date of designation in October 1994. The current and projected wilderness character and unique values of Death Valley National Park Wilderness are discussed in detail in chapter 3 and chapter 4 of this Plan.

## 1.6.2 Backcountry

Unlike the concept of wilderness character, there is no pre-conceived framework for identifying desired future conditions for backcountry. Through internal discussion and public scoping, it was determined that there are five main backcountry values to be addressed in this planning effort: access, camping, visitor experience, special uses/commercial uses, and resource stewardship. Each value is discussed below, including a description of current conditions and desired or expected future conditions.

**Access.** This topic includes access to wilderness, access to visitor destinations, administrative access, and access to inholdings.

An extensive network of backcountry roads of varying degrees of difficulty provides access to visitor destinations such as historical campsites, cultural sites, scenic vistas, springs, geologic wonders, and unique biological resources. Backcountry roads and surrounding non-wilderness backcountry lands also serve as a threshold to wilderness for hikers, backpackers, and other wilderness users.

The backcountry road network also provides administrative access for emergency response, visitor use management, maintenance of government installations, and resource stewardship activities. Roads also provide access to inholdings and non-NPS installations on non-wilderness lands.

The backcountry road network also connects to established backcountry roads external to the park, thus providing through travel routes throughout the region.

Most of the backcountry roads are not signed and not regularly maintained. A few backcountry roads are periodically maintained by the NPS, Department of Defense, or Inyo County.

There are some areas that are closed to public access to either protect sensitive resources or to mitigate hazards to public safety.

The land between the roads includes vast wild lands offering a variety of visitor destinations (such as peaks, cultural sites, etc) as well as the opportunity to just wonder at will on foot. These areas are generally accessible for cross country hiking and backpacking to the extent the visitor is able to navigate the terrain.

In the future, the current level of access to a wide network of backcountry roads and non-wilderness backcountry lands is expected to continue relatively unchanged. This planning effort is expected to establish a variety of road standards (road surface and road signs) and develop a strategy to consistently communicate current road conditions to the public.

While the intent of the NPS is to keep as much of the park accessible to the public as possible, it is expected that administrative closures could continue to be necessary in the future to both protect resources and to mitigate public safety concerns.

**Camping.** This topic includes cabins, roadside camping, campfires, and primitive camping.

## CHAPTER ONE—PURPOSE AND NEED

There are currently a variety of backcountry camping opportunities including roadside camping, primitive walk-in camping, and camping in/near historic cabins. There are currently no permits required for backcountry camping (although there is a voluntary permit system in place for overnight backpackers) and it is largely self-regulated. Visitors are requested to camp in previously disturbed sites and there are restrictions on camping in certain areas (near paved or maintained roads, the valley floor, near water, etc.). Heavy use areas where resource degradation or diminished visitor experience is a concern that may be more highly regulated in the future.

Backcountry cabins are currently available on a first come first serve basis for visitor use with a seven day limit. Hantavirus due to rodent activities is an ongoing visitor safety concern for cabin users. While the majority of cabins are older than 45 years, most have not been evaluated for eligibility for the National Register of Historic Places, but park resource managers anticipate that many of these are significant historic structures. Continued visitor use and unauthorized structural maintenance activities and/or alterations could diminish the historic qualities of these cabins. Several cabins have been lost in recent years due to fire (accidental or arson) as a result of visitor use. In at least one case, a cabin was renovated without authorization. In the future, the remaining cabins will be evaluated on a case by case basis and at least some will continue to be accessible to the public, but the NPS will exercise more control over cabin use and volunteer maintenance activities.

Historically campfires were not allowed within the backcountry of Death Valley National Monument. The enlargement of the park included many areas at higher forested elevations with long standing campfire use and many visitors have continued such uses contrary to regulations. Currently, campfires are not allowed outside of developed campgrounds due to concerns over firewood collection and the potential for incidents of human-caused wildland fires, although informal rock campfire rings are commonly found in the backcountry and campfires continue to be a popular visitor use. Visitor removal of wood from historic structures and sites for the purpose of providing fuel for campfires is an ongoing concern. Other concerns include scarring and cracking of rocks used in fire ring construction, physical disturbance and heat damage to sensitive desert soil, accumulations of ash in popular fire rings, and non-combustible refuse left in popular fire rings. Some visitors bring in firepans and firewood or portable barbecues and charcoal.

**Visitor Experience.** This topic includes driving scenic backcountry roads, technical 4-wheel-drive challenge, volunteer stewardship, feeling of remoteness/openness, intangible connections to natural and cultural resources, infrastructure (road markers, signs, pit toilets), other uses (equestrian use, mountain biking, future uses).

The extensive backcountry road network provides opportunities for visitors to experience adventure, exploration, and challenge while driving unpaved roads through desert and mountainous scenery. The park includes a spectrum of backcountry road conditions, including Class 1 (non-technical) through Class 4 or 5 (highly technical, depending on current conditions). In the future, this spectrum of opportunities will continue to be offered although the conditions of individual roads or segments may vary over time.

Current levels of use of backcountry roads and lands provide park visitors a feeling of remoteness and isolation, often accompanied by sweeping views and dark night skies. The spectacular and varied settings provide an opportunity for forming intangible connections to natural and cultural resources. The ruggedness of terrain and lack of infrastructure (e.g. signs, water, toilets, cellular phone coverage) requires self reliance and provides an opportunity for visitors to expand upon their backcountry skills. If trends continue, there will likely be more backcountry visitors in the future and some of the opportunities for remoteness may be diminished. In some cases, increased visitor use may need to be accommodated through modest increases in infrastructure such as directional signs, pit toilets, etc., at high use locations.

Some visitors choose to participate in self-directed stewardship activities to maintain cabins, campsites, or roads. Some cite these stewardship activities as integral to their experience at Death Valley National Park. There is not currently a formal and comprehensive framework to facilitate and direct such stewardship

## CHAPTER ONE—PURPOSE AND NEED

activities but it is expected that such a framework would be developed as a part of this planning process and this situation would improve in the future.

Other backcountry uses include hiking, mountain climbing, canyoneering, equestrian use, and mountain biking. These and other novel pursuits are anticipated in the future. New and unusual activities will be considered on a case by case basis and accommodated to the extent that they do not degrade other visitor experiences, natural or cultural resources, or pose a serious threat to visitor safety.

**Special Use/Commercial Use.** This topic includes filming, tours, group activities/athletic events, research, grazing, and minerals management activities.

Special park uses pursued in backcountry lands and along backcountry road corridors include commercial filming, tours and guide services, sporting events, and various group activities. All such activities require an application that identifies the purpose of the activity and proposed locations. The park considers the request and may issue a special use permit or commercial use authorization subject to general and park specific terms and conditions. Currently, there are few pre-defined limits placed on locations and the number of permits issued for a given activity. There are requirements that participants practice Leave No Trace principles and there may be limits on the number of participants authorized under a given permit. The demand for such activities in the park is expected to continue and potentially increase in the future. Such activities will continue to be accommodated to the extent that the activity is consistent with park purposes and does not negatively affect natural or cultural resources or other visitor opportunities and experiences.

Research is also a special park use that occurs within backcountry lands as well as in wilderness areas accessed by backcountry roads. Such research requires an application that identifies the purpose of the research, research methods, and proposed locations. The park encourages appropriate scientific research and has a process to review applications and issue a research and collection permit subject to general and park specific terms and conditions. Currently, there are a few research projects wholly within backcountry, although many occur in both backcountry and wilderness. It is expected that such research interest will continue in the future.

Grazing is also a special park use authorized in the enabling legislation and the California Desert Protection Act, subject to application and permit requirements. There is currently one active grazing operation in the park.

Minerals management activities in the park are subject to the requirements of the Mining in the Parks Act and other state and federal laws. Two laws, The Mining in the Parks Act of 1976 and the California Desert Protection Act, withdrew the park from all location, entry, and patent under the mining laws, and from mineral and geothermal leasing and mineral materials sales, subject to valid existing rights which are managed under the provisions of 36 CFR 9A. There are currently no active mines in the park but there are existing patented and unpatented mining claims. In addition, there are some mines adjacent to the park for which access is through the park on backcountry roads and lands. There are areas of the park in the backcountry formerly used by Inyo County as gravel borrow pits in support of road maintenance activities. Such borrow pits may be subject to future re-use as permitted by the park. In the future, these activities are expected to continue and may increase due to demand for mineral resources. Such uses will continue to be managed in compliance with current laws and policies and in permitting such activities, the park will seek to avoid or minimize impacts to resources and visitors.

**Resource Stewardship.** This topic includes restoration (natural and cultural), conservation (natural and cultural), wildland fire management, pest management, and mine safety/clean up.

Conservation and, in some cases, restoration of natural resources, natural processes, and cultural resources in the backcountry are an ongoing responsibility and are expected to continue in the future.

Wildland fire management in the backcountry, including response to unplanned ignitions and planned fuels treatments, will continue as provided for in the 2009 *Death Valley Fire Management Plan* and subject to national fire policy. Structural fires, including the loss of historic structures in the backcountry, have occurred in the past and the park will seek to reduce such losses in the future.

Pest management, including exotic plant control, burro removal, hantavirus mitigation, and other such issues are managed under an integrated pest management program that seeks to minimize damages to natural and cultural resources while addressing the underlying causes and impacts of pest infestations. These efforts will continue in the future and it is expected that there will be increased efforts to plan and implement such actions for the benefit of natural and cultural resources.

Mine safety mitigation and cleanup of thousands of acres of abandoned mineral lands in the backcountry is an ongoing task that is expected to continue into the future. Many abandoned mines include hazardous substances that pose a threat to visitor health. In some cases, administrative closures are necessary to protect the visiting public from such hazards and maintenance of existing closures and/or new closures will likely be necessary in the future. Currently, such hazards are unabated but in the future it is expected that clean up and abatement of these hazards will increase and it is anticipated that some closed areas will be re-opened to public use after hazards are abated.

## 1.7 ISSUES AND IMPACT TOPICS

During the planning process, the project interdisciplinary team and public scoping process identified many issues related to the potential effects of the initial proposed wilderness and backcountry alternatives. Once issues were identified, they were used to help formulate the alternatives and mitigation measures. Impact topics based on substantive issues, environmental statutes, regulations, and executive orders were selected for detailed analysis. A summary of the impact topics and rationale for their inclusion or dismissal is given below.

### 1.7.1 Summary of Public Scoping Comments

To engage the public in the planning process, the park used the agency's "Planning, Environment, and Public Comment" website, traditional press releases, face to face meetings with key audiences as requested, and the social networking and microblogging service "Twitter." The initial public scoping period was held from March 26 – June 30, 2009 and was focused on a wilderness plan that did not include non-wilderness backcountry lands or roads. Eighteen pieces of correspondence were received that contained 59 comments, the most commonly heard comment was that the NPS needed to expand the scope of the planning effort to include non-wilderness backcountry roads and lands due to their interrelated geographic and/or experiential relationship at Death Valley National Park. After careful consideration, the park superintendent decided to expand the scope of the planning effort accordingly and a new scoping period was held September 4 – November 15, 2009. During the second public scoping period, which solicited input for a combined wilderness and backcountry stewardship plan, a total of 97 pieces of correspondence were received that contained 407 comments. Details regarding the full scope of comments received can be found in appendix B.

The most commonly heard comments are summarized below in concern statements.

- Protect sensitive species and/or habitats (e.g. riparian areas, listed species) through visitor education, road closures, area closures, and limits on visitor use. Completion of resource inventories to identify and eventually monitor such resources is also recommended.

## CHAPTER ONE – PURPOSE AND NEED

- There is concern that wilderness values and restrictions on visitor use activities are being or could be inappropriately applied to lands that are not designated wilderness, thus diminishing other visitor use opportunities. There is also a concern that some lands are included in wilderness inappropriately.
- The park managers should provide for a balance between visitor use and resource protection. There are sensitive resources such as petroglyphs and some wildlife habitats that may necessitate visitor use restrictions, but most of the park should be open for public use. There is also concern that the park management is biased toward non-motorized users and that restrictions on motorized users represent an unfair limitation of visitor use in situations where it is not warranted for resource protection.
- There is concern that debris of modern origin (such as airplane crashes, grazing infrastructure, defunct communication equipment, and modern mining and household apparatus) both in and adjacent to wilderness degrades the wilderness resource and the visitor experience. Alternately, there are some commenters who feel that the remnants of past human land uses are interesting and contribute to their experience. While there are several specific locations and types of debris mentioned by commenters, there is not universal agreement on what age or type of debris is considered modern versus historic. It is also suggested that the park systematically inventory all debris, determine its historic value, and actively remove those items that are determined to be non-historic.
- There is concern that the designation of wilderness reduces or eliminates public access to the land in general and favorite destinations in particular. Of repeated concern is public use by persons who are unable to hike and thus rely on motorized vehicles. There is also concern that some lands in Death Valley were inappropriately designated as wilderness.
- Road comments:
  - Reopen closed roads that are not in designated wilderness to improve access and reopen roads that were closed through wilderness designation.
  - Keep roads open (maintained to be passable) and do not close any existing roads. The existing road network provides access to places that many people can only reach by vehicle, provides loop routes that connect to BLM and county roads, and helps to disperse visitors thereby improving the quality of the experience for many people.
  - Close all backcountry roads. Close backcountry roads where there are duplicate roads or short sections that could be closed for hiking. Close backcountry roads where necessary to protect cultural resources that are in good condition or sensitive riparian areas.
  - There is no need to build new roads or to increase maintenance of existing roads. The current level of maintenance provide a wide array of backcountry travel experiences, ranging from easy roads accessible to passenger vehicles to rough roads appropriate for four wheel drive vehicles.
  - Maintain backcountry roads to a four-wheel-drive high clearance standard. Maintain backcountry roads to a passenger vehicle standard. Improve maintenance of roads so that down-cutting of the running surface and erosion problems do not occur. Improve maintenance of the following specific roads: Trail Canyon, Surprise Canyon, and Cottonwood Canyon.
  - Some commenters think that roads spoil the wilderness quality of the backcountry. Conversely other comments think that backcountry roads do not negatively impact wilderness. Wilderness designation does not leave adequate latitude for development of roads in areas with no access or to reroute existing roads to minimize environmental impacts.
- Roads and trails should be signed to improve wayfinding and clearly identify where vehicles are allowed. Maps should also clearly identify open vehicle routes and closed areas.
- Existing regulations should be enforced, particularly for motorized intrusions into wilderness and other unlawful acts that degrade natural conditions. Most backcountry and wilderness users are law abiding and respectful of the land. The unlawful acts of a few are seen to threaten the lawful uses of many.

## CHAPTER ONE – PURPOSE AND NEED

- Provide access for disabled visitors. Closing existing roads and trails limits access to wilderness, solitude and historical sites for people with limited mobility, such as the elderly or disabled, effectively taking away their access to certain areas.
- Visitors value the history and cultural resources in the park. There is concern that the park needs to appropriately protect and maintain the park's historical sites and cultural resources. Also, the park needs to maintain historical access points and roads into the park to ensure appropriate access to these sites and resources.
- Visitors value historic mining sites and/or remnants of those sites. There is concern that the park needs to provide access to historic mining sites and other historical mining remains in the park that are valued by park visitors. There is also concern that the park is not adequately interpreting these areas via displays and exhibits.
- Visitors value the natural resources or setting provided by the park. The park needs to conserve and protect its vast array of highly unique natural and cultural offerings and make them accessible/usable by visitors. Also, the park needs to manage wilderness in a way that provides both appropriate access via backcountry roads, but also keeps it intact and protected.
- Visitors value wilderness character (untrammled, undeveloped, natural, and opportunities for solitude). The park needs to retain and protect the undeveloped, pristine wilderness character present in the wilderness and non-wilderness areas of the park.
- Visitors value silence and/or natural soundscapes. There is concern that the park needs to protect the unparalleled access to the natural wilderness soundscape present throughout Death Valley National Park.
- Visitors value geologic resources. There is concern that the park needs to protect the unique geologic terrain and land features in the park and provide appropriate access to them.
- There is concern that the park needs to retain and protect opportunities for visitors to experience recreational activities and opportunities while avoiding damage to the resources in the park.
- Visitors value opportunities to hike and backpack. There is concern that the park should continue to allow opportunities for visitors to hike and backpack great distances in remote places within the park. Visitors also enjoy camping within hiking distance of park roads.
- Visitors value the opportunity to drive on backcountry roads. There is concern that the park needs to maintain and keep open the existing backcountry roads that exist within the park. There is also concern that these roads should be kept in a primitive state and not paved. There are divergent concerns regarding increasing access and reopening old roads now closed to the public.
- Roads are valued for providing access to wilderness. There is concern that the park has closed too many roads accessing wilderness areas since its establishment as a national park. There is also concern that the general public is gradually losing access to wilderness as a result of road closures. There is also concern that the park will continue to close access roads instead of maintaining them.
- Visitors value a sense of adventure, exploration and/or challenge. Protect wilderness areas but provide ample opportunities via maintained trails and roads for visitors to challenge themselves and explore the park.
- Protect the intangible emotional connections that visitors can experience from being in wilderness.

### 1.7.2 Impact Topic: Wilderness Character

The concept of wilderness character is fundamental to the responsible stewardship of the park's wilderness lands, including the following standard qualities of wilderness character: untrammled, natural, undeveloped, solitude or unconfined recreation. In addition, the park also considers specific wilderness values (such as cultural resources and paleontological resources) as well as intangible aspects of wilderness (such as the

relationships between Timbisha and the land) to be part of wilderness character. Natural sounds are also included in this impact topic.

### **1.7.3 Impact Topic: Natural Resources**

Biological resources and geophysical resources are addressed in detail as these topics are fundamental to the purposes of the park and there are numerous laws that require a documented analysis process to identify, avoid, minimize, and/or mitigate impacts (e.g. Endangered Species Act, Clean Water Act, etc.). Specific topics to be addressed include wildlife, vegetation, special status species, water resources, geology, soils, and paleontological resources.

### **1.7.4 Impact Topic: Cultural Resources**

Ethnographic resources, archeological resources, and historic resources are addressed in detail as these topics are fundamental to the purposes of the park and there are numerous laws that require a documented analysis process to identify, avoid, minimize, and/or mitigate impacts, including the National Historic Preservation Act and Secretarial Order 3175.

### **1.7.5 Impact Topic: Socio-Economic Environment**

The geographic scope of this planning effort and its influence on future land uses and visitor use patterns is such that it may affect several aspects of the socio-economic environment. The following topics are addressed in detail: inholdings and retained rights, rights-of-ways, grazing, Native American rights, business activities related to wilderness and/or backcountry uses, and gateway communities.

### **1.7.6 Impact Topic: Visitor Use**

The wilderness and backcountry lands of Death Valley National Park dominate the park's vast acreage, providing visitor use destinations in their own right as well as providing the scenery surrounding even the drive-by visitors and frontcountry users. Because the issues surrounding visitor use are fundamental to this planning effort and the purposes of the park, the following topics are addressed in detail: visitor use patterns and trends, visitor experience, and administration of visitor use.

### **1.7.7 Impact Topic: Park Operations**

The scope and scale of this planning effort will affect many aspects of park operations. The following topics are addressed in detail: budget and staffing, facilities, research, and ranger activities.

### **1.7.8 Issues and Impact Topics Considered but Dismissed from Further Analysis**

Designated coastal zones are dismissed without analysis because these do not exist in the project area.

## CHAPTER ONE--PURPOSE AND NEED

Prime and unique agricultural lands are dismissed without analysis because these do not exist in the project area.

Sites on the US Department of the Interior's National Registry of Natural Landmarks are not addressed as a specific impact topic. Rather, Eureka Dunes, the only National Natural Landmark in the project area is addressed in numerous places throughout the document as a popular visitor destination and a unique habitat that supports rare plants.

Air resources are dismissed without analysis because no more than negligible impacts are anticipated from any alternative due to particulates from dirt road use or maintenance and campfires.

Wild and scenic rivers are dismissed without analysis because there are no wild and scenic rivers designated within the project area.

Climate change is dismissed without analysis because there is no aspect of any of the alternatives that would have any direct relationship to climate change. Indirectly, the continued preservation of the area as wilderness and the establishment of a framework by which to evaluate proposals for science and research (including climate related research) in wilderness could aid in the understanding of climate change, but the speculative nature of these indirect impacts, combined with the lack of direct impacts, caused this impact topic to be dismissed from further analysis.

Regarding energy requirements and conservation potential, construction activities would require the increased use of energy for the construction itself and for transporting materials. However, overall, the energy from petroleum products required to implement action alternatives would be insubstantial when viewed in the context of regional or national consumption; thus, the impact topic was dismissed from further analysis.

Per Executive Order 12898 on Environmental Justice, there would not be any disproportionately high or adverse effects on minorities, Native Americans (in general), women, or the civil liberties (associated with age, race, creed, color, national origin, or sex) of any American citizen. No disproportionately high or adverse effects to minority populations or low-income populations are expected to occur as a result of implementing any alternative. Potential for impacts to the Timbisha Shoshone are addressed in the socio-economic analysis, under the heading "Native American Rights" as deemed appropriate and agreed upon in consultation with the Timbisha Shoshone Tribe.

## CHAPTER 2: ALTERNATIVES

During 2010, the interdisciplinary planning team reviewed and considered the public comments received during initial scoping in 2009, collected and analyzed additional data about wilderness and backcountry resources, and completed a visitor use study. This information was used to develop alternative concepts for managing Death Valley backcountry and wilderness lands to meet the goals, objectives, and desired conditions described in chapter 1.

As part of this process, four management zones were defined for the park, which generally identify how different areas could be managed to maintain or improve wilderness character within designated wilderness, preserve natural and cultural resources, provide for recreational access and use, and serve operational purposes. The four zones are: Wild Zone, Backcountry Exploration Zone, Backcountry Corridor Zone, and a High Use / Directed Use Destination Zone.

Once defined, management zones were then used to delineate various areas of the park according to guidelines offered by each alternative management concept thus creating four conceptual alternatives. The no-action alternative is defined as the continuation of existing management practices. The no-action is required by law to be considered during the planning process. It sets a baseline of existing impact continued into the future against which to compare impacts of action alternatives. The action alternatives must all be consistent with the various laws, regulations, and policies that guide management of this park unit, including the 2002 *Death Valley National Park General Management Plan* and the 1994 California Desert Protection Act. In addition, all alternatives for management of wilderness lands in the park would protect the four qualities of wilderness character as required by the Wilderness Act: undeveloped, untrammeled, natural, and outstanding opportunities for solitude or primitive and unconfined recreation. Three conceptual action alternatives were developed.

These four conceptual alternatives were then shared with the public via the NPS's online Planning Environment and Public Comment system and local press releases. The public comment period was open for 31 days and during that time we received 196 comments from 52 pieces of correspondence provided by members of the public as well as public agencies and partners. That feedback was then used by the interdisciplinary planning team to refine the alternative concepts, including management zoning, and further define the implementation level details of how these alternatives would address on-the-ground management issues.

### 2.1 ALTERNATIVE A: NO-ACTION ALTERNATIVE

#### 2.1.1 Description of the Alternative

This alternative would continue existing management practices, resulting in current resource conditions and visitor opportunities, and the logical progression of probable trends over time. It is required as a baseline against which the other alternatives can be compared. Without the guidance of a Wilderness and Backcountry Stewardship Plan, there would not be a clear focus for setting priorities for management actions or visitor use. Management would continue to tend to be reactive to the needs of the moment rather than being proactive toward specific goals.

### **2.1.2 Zone Descriptions (Existing)**

The *Death Valley National Park General Management Plan* did not prescribe management zones, thus there are no management zones defined for the no-action alternative. However, the wilderness lands (including both designated wilderness and designated potential wilderness as outlined in the California Desert Protection Act of 1994) are managed in accordance with the Wilderness Act and NPS *Management Policies* chapter 6. The non-wilderness backcountry lands are generally managed in such a way that a wider variety and intensity of uses are accommodated, including the use of motorized access and mechanized equipment, though motorized vehicles are confined to the approved roads and no off-road vehicle travel is permitted even in non-wilderness backcountry lands.

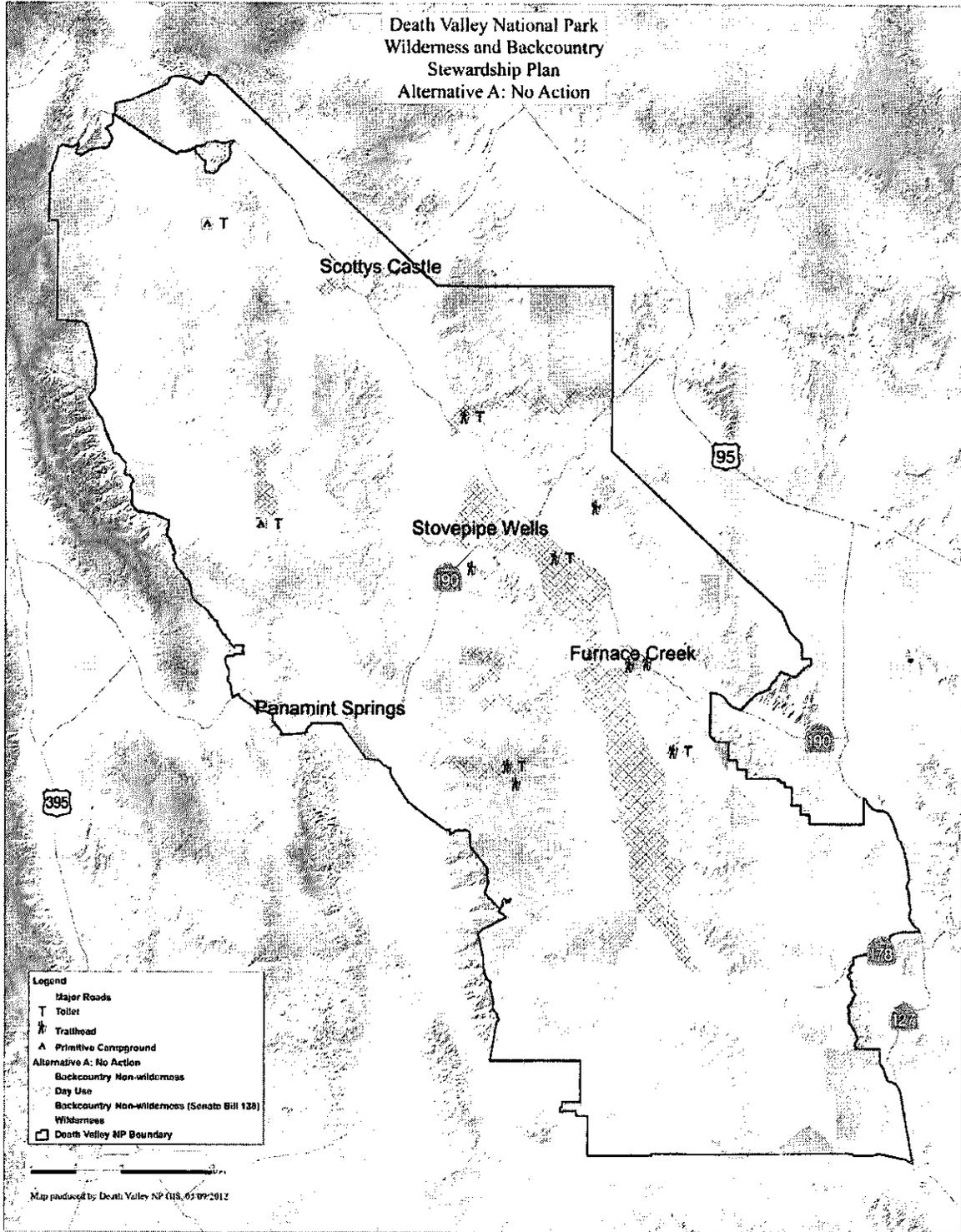
### **2.1.3 Map and Zone Allocations (Existing)**

Because zones are not prescribed under the existing management plans, they are also not allocated or mapped for the no-action alternative. Under the no-action alternative, the park's backcountry and wilderness lands remain un-zoned. A map of this alternative is found in figure 3.

### **2.1.4 Other Management Actions Not Attributable to Zoning**

This section describes current management actions that are not specific to geographic zones, including these topical areas: commercial services and special park uses, backcountry facilities, administrative activities, and costs.

Figure 3. Map of Alternative A: No-action



### 2.1.4.1 Commercial Services and Special Park Uses

Permit Process: Permit requests would be handled on a case by case basis. The conditions below list the activity areas that would be permitted, and the restrictions that would be enforced by the park, under the no-action alternative.

- Day Use Motorcycle Groups: One event per location per day and travel restricted to backcountry roads only. Group size limited to 40 motorcycles and 40 people per group.
- Day Use 4-wheel-drive Groups: One event per location per day and travel restricted to existing backcountry roads only. No group size limits defined.
- Day Use Hiking and Photography Groups: Allowed in both backcountry and wilderness, limited to 15 people per group.
- Day Use Guided Bicycle Groups: Bicycle use allowed on backcountry roads only, no off-road travel permitted. No group size limits defined.
- Day Use Running Sporting Events/Groups: Allowed on West Side Road and Titus Canyon Road only. No group size limits defined.
- Day Use Bicycle Sporting Events/Groups: Allowed on West Side Road and Titus Canyon Road only. No group size limits defined.
- Overnight Motorcycle Groups: One event per location per day and travel restricted to existing backcountry roads only. No more than 15 people and 6 vehicles total.
- Overnight 4-wheel-drive Groups: One event per location per day and travel restricted to existing backcountry roads only. No more than 15 people and 6 vehicles total.
- Overnight Bicycle Groups: One event per location per day and travel restricted to existing backcountry roads only. No more than 15 people and 6 vehicles total.
- Overnight Backpacking / Hiking Groups: Support vehicle travel restricted to existing backcountry roads, foot travel authorized in backcountry and wilderness. No more than 15 people and 6 support vehicles total.
- Overnight Historic Wagon Train Events: One event per year and travel restricted to Harry Wade Road and West Side Road only. Approximately 15 wagons and 4 support vehicles.
- Overnight Historic Equestrian Events: One event per year and travel restricted to Warm Springs/Butte Valley Road and West Side Road only. Approximately 75 horses and 80 people. Approximately 20 support vehicles.

### 2.1.4.2 Backcountry Facilities

- Primitive campgrounds: There would be continued use of existing primitive campgrounds located at Eureka Dunes and Homestake Dry Camp. Campsites at these campgrounds would continue to be poorly delineated, with few facilities. Eureka Dunes has a vault toilet, and Homestake Dry Camp has a plastic outhouse.
- Designated Roadside Camping Corridors: None
- Dispersed Roadside Camping: over 700 miles of backcountry roads would be open for self-directed use. Site selection would be on a first-come first served basis and visitors would be informally encouraged to camp in previously used campsites in order to minimize campsite proliferation.
- Trails and Trailheads: Existing trailheads would continue to provide hiking opportunities at Telescope Peak, Wildrose Peak, Natural Bridge Canyon, Golden Canyon, Zabriskie Point, Keane Wonder Mine, Salt Creek, Mesquite Flat Sand Dunes, Badwater, Ubehebe Crater, and Mosaic

Canyon. The configuration and information available at each trailhead would continue to be highly variable. These trailheads provide access to 23 miles of designated trails.

- **Backcountry Cabins:** Approximately two dozen cabins in the backcountry would be available for public use on a first come, first serve basis with a seven day stay limit. No determination of habitability would be made. All use would be at one's own risk and some safety hazards would be signed or otherwise identified in certain cabins (e.g. warnings about hantavirus risk). The park would not allow the installation of locks. Some self-directed stewardship activities would continue to be undertaken without NPS knowledge or consent in order to modify or maintain structures to better meet the expectations of the cabin users.
- **Campfire Rings:** No campfires would be allowed except in firepits in designated campgrounds and campsites. No fuel wood collection would be allowed.
- **Signs:** Very few interpretive or wayfinding signs would exist outside of the main travel routes. Major backcountry road junctions might or might not be signed, and a variety of sign styles would be used.

#### **2.1.4.3 Administrative Activities**

- **Overnight Visitor Use Permits:** Voluntary overnight wilderness permits would be issued in the Furnace Creek Visitor Center and Stovepipe Wells Ranger Station for free during business hours.
- **Administrative Camps:** There would be no established administrative camps, though various sites could be used to accommodate administrative groups (e.g. research groups, work crews, etc.) on an as needed and as available basis.
- **Visitor Information and Education:** Informally, the park would use Leave No Trace and Tread Lightly messages, but application would be inconsistent and messages varied. Other than the general direction contained in the "Death Valley National Park Long Range Interpretive Plan," there would be no specific strategy to provide the right message to the right audience at the right time in order to elicit the desired response.
- **Aviation:** Air tours would be managed as prescribed in the Air Tour Management Plan, when that plan is complete. Military overflight issues are legislatively outside the scope of this planning effort but NPS would continue to work cooperatively with Department of Defense managers to resolve problems. Private airplane use would continue to be managed by Federal Aviation Administration (FAA) but the NPS would continue to work cooperatively with FAA to resolve problems.
- **Research Permits:** Research permit requests would be evaluated on a case by case basis.
- **Resource Management:** Minimum requirements analysis would be required when proposed actions may involve prohibited acts in wilderness as described in section 4(c) of the Wilderness Act (e.g. use of motorized equipment, landing of aircraft, mechanical transport, structures or installations). Such analysis would be undertaken on a case by case basis.

#### **2.1.4.4 Costs**

The cost of implementing the no-action alternative was estimated using FY2011 budget analysis for all divisions of Death Valley National Park. Each park division identified those program areas and costs that intersected directly with backcountry and wilderness management, and provided this data to park management. Significant (greater than \$100,000) one-time program expenditures were then removed from the estimate, as these would not reflect a state of "no action." Any costs that resulted from management at Saline Valley Warm Springs were also removed, as this plan does not address Saline Valley Warm Springs, an area which will be fully addressed in a site-specific EIS planning process. All other program expenditures were considered normal and routine, and were included. The resulting cost estimate of implementing the no-action alternative in FY2011 dollars would be \$1,188,974 per year.

## **2.2 ZONE DESCRIPTIONS USED TO DESCRIBE ACTION ALTERNATIVES (ALTERNATIVES B-D)**

These zones and zone descriptions only apply to alternatives B, C, and D; they do not apply to the no-action alternative for the reasons described in section 2.1.4. The zone descriptions are presented in their entirety here in order to provide context for the action alternatives that follow in sections 2.3 through 2.5.

### **2.2.1 Purpose of Zoning**

Management zoning is the method used by the National Park Service to identify and describe the appropriate variety of resource conditions and visitor experiences to be achieved and maintained in the different geographic areas of a park. Zoning is generally a two-step process: (1) identify a set of potentially appropriate management zones, and (2) allocate those zones to geographic locations throughout the park. Differences in opinion about optimal and/or feasible resource conditions and visitor experiences for particular areas are addressed through alternative ways to apply zones to the park, thus resulting in different action alternatives. Zoning is intended to provide for a variety of resource conditions and visitor uses that are compatible with the park's purpose and preserve its fundamental resources and values; thus, wilderness lands are zoned in such a way that wilderness character would be maintained or improved. Zoning is an administrative tool and cannot be used to alter the requirements of the Wilderness Act, or the California Desert Protection Act.

### **2.2.2 Wild Zone**

This zone would only apply to congressionally designated wilderness, which is the vast majority of the park. It is the default zone for wilderness lands and such lands would only be re-zoned as high use or directed use if needed to maintain or improve wilderness character due to either the amount or type of visitor use at that location or due to the inherent sensitivity of the resources which dictate a higher level of management presence and visitor direction. If additional lands are designated as wilderness by an act of Congress, those areas would automatically be included in the Wild Zone.

The Wild Zone is designed to embrace all of the experiential attributes of wilderness for park visitors and highlights the wilderness character quality of outstanding opportunities for solitude or a primitive and unconfined recreation. Recreational pursuits in this zone are self-directed and require a high degree of self-reliance due to the intentional lack of visitor facilities. This zone provides ample opportunity for adventure, the use of primitive skills, as well as physical and mental challenge. This zone is also the premier place in the park to experience natural sounds, natural odors, dark night skies, and broad vistas where modern human presence is nearly imperceptible. This zone does include layers of human history to be "discovered" by modern park visitors, including many pre-historic and historic resources that provide an opportunity for visitors to reflect on past human relationships with the land.

Other attributes of the Wild Zone are summarized in tables 1, 2, and 3.

### **2.2.3 Backcountry Exploration Zone**

This zone would apply to non-wilderness backcountry lands. This zone is generally accessed by 4-wheel-drive vehicles and typically includes backcountry lands that are not designated wilderness as well as backcountry

roads that are not through roads or where road conditions are such that they require highly skilled operators and/or specialized vehicles for safe travel. There is very limited NPS maintenance on these roads, though extreme conditions may be moderated by the volunteer stewardship efforts of backcountry road organizations and enthusiasts. Signs and visitor use facilities are very limited, typically focused on warning signs of a regulatory nature, so visitor use in this zone is largely self-directed. This zone provides good opportunities for self-reliance, challenge, and adventure. Many of these roads were originally built to access mines or homestead sites, the remains of which provide a sense of discovery and an opportunity for visitors to reflect on past human relationships with the land.

Other attributes of the Backcountry Exploration Zone are summarized in tables 1, 2, and 3.

#### **2.2.4 Backcountry Corridor Zone**

This zone would apply to non-wilderness backcountry lands. This zone is generally accessed by high clearance, but not necessarily 4-wheel-drive vehicles traveling on unpaved roads. These are the through roads that serve as the primary connectors or travel corridors in the network of backcountry roads in the park and may connect to primary backcountry roads outside the park boundary. Wayfinding, regulatory, and interpretive signs may be present. Other facilities are infrequent but may be present (e.g. research equipment). Roads are periodically maintained in a passable condition by the NPS or other agencies via cooperative agreements, though road condition may be somewhat variable due to the dynamic nature of unpaved roads and extreme weather events. These areas experience a relatively high visitor use and NPS presence, which tends to moderate opportunities for self-reliance, challenge, and adventure. There are numerous and typically well-known cultural features visible along these roads that many visitors find interesting or inspiring, some of which are highlighted with interpretive signs while others are less obvious and can still be “discovered” by visitors.

Other attributes of the Backcountry Corridor Zone are summarized in tables 1, 2, and 3.

#### **2.2.5 High Use/ Directed Use Zone**

This zone would apply to both wilderness and non-wilderness backcountry lands—or more typically, geographically small areas that include both. This zone includes popular destinations that seasonally or often see high visitor use. To accommodate such use and protect park resources, these areas typically have a higher level of visitor facilities and visitor services. Facilities are often installations that are prohibited in wilderness, so in most cases the facilities occur on adjacent non-wilderness lands but the visitor destination is in wilderness. For example, a trailhead with parking area, signs, and toilet is accessible by vehicle and located on non-wilderness lands but the popular destination is the hiking route or trail that is accessed from the trailhead and enters wilderness in order to reach a particular destination. There are other locations where this zone is used to provide a higher level of management presence and visitor use direction due to the inherent sensitivity of park resources, rather than as a result of high visitation. In these locations, any visitor use (not just high visitor use) needs to be carefully directed to avoid impacts to the park’s natural or cultural resources. This zone is still largely characterized as a natural landscape, but the presence of modern humans is obvious in the form of parking areas, signs, toilets, barriers, and people. Generally, there are fewer opportunities to experience the solitude as visitors would seldom be alone or out of sight of clues of modern human presence. There are also fewer opportunities for primitive and unconfined recreation because the use levels and/or resource sensitivities of these locations require that visitors adhere to agency direction such as stay on trails or no overnight use. This zone still provides opportunities for adventure, discovery, self-reliance and challenge, but the amount of agency presence in these locations tends to moderate the extremes. Cultural resources are

## CHAPTER TWO—ALTERNATIVES

often high use destinations so this zone provides an opportunity for the NPS to help visitors gain understanding of past human relationships with the land through interpretive programs, signs, and other media. Likewise, some cultural resources are also sensitive to visitor use and so in some locations visitor use restrictions could be imposed for the protection of cultural resources.

Other attributes of the High Use/ Directed Use Zone are summarized in tables 1, 2, and 3. In addition, because directed use is an inherent part of this zone, additional information about where and how that direction would occur is found in section 2.2.6.

**Table 6. Zones summarized relative to resource stewardship and resource condition**

Wild Zone	Backcountry Exploration Zone	Backcountry Corridor Zone	High Use / Directed Use Zone
<p>This zone provides for highly focused protection of critical resources consistent with maintaining or improving the natural quality of wilderness character. There would tend to be less active management or manipulation of intact physical or biological resources and processes in order to maintain the untrammeled quality of wilderness character.</p> <p>There would be a very low tolerance for unnatural sounds and light sources as such intrusions degrade both the natural quality of wilderness character and outstanding opportunities for solitude.</p> <p>There would be active management to improve the undeveloped quality of wilderness character by removing defunct installations and debris that are not cultural resources.</p> <p>Restoration of biophysical processes may be appropriate and managed with active NPS oversight. Restoration may be active or passive in nature. Any restoration activity would take place in accordance with the Wilderness Act. Such actions would carefully weigh the impacts to both the untrammeled and the natural quality of wilderness character.</p> <p>Scientific research would be encouraged but strictly managed within this zone. There would be a very low tolerance for research installations and existing defunct research installations would be actively removed.</p> <p>Cultural resource management in this zone would focus on inventory and condition assessments; preservation treatments would be considered using a minimum requirements decision process as needed.</p>	<p>Exotic plant and animal species would be actively controlled and contained to mitigate impacts to resources and visitor use.</p> <p>Resource protection would be balanced with providing visitor use opportunities. Sensitive resources would be provided the maximum protection possible.</p> <p>There would be a low tolerance for unnatural sounds and light sources, though some noise and light pollution is expected in association with vehicle use.</p> <p>There would be active management to improve the undeveloped quality of wilderness character by removing defunct installations and debris that are not cultural resources.</p> <p>Restoration of biophysical processes would be appropriate and considered on a site by site basis, though some alteration of biophysical processes would persist due to the presence of the roads and their inherent alteration of surface hydrology.</p> <p>Scientific research would be appropriate and encouraged in this zone especially if it does not impact safety, visitors, or resources.</p> <p>Cultural resource management in this zone would focus on identification, evaluation, monitoring, and inspection to enable the longterm preservation</p>	<p>Exotic plant and animal species) would be actively controlled and contained to mitigate impacts to resources and visitor use.</p> <p>Resource protection would be balanced with providing visitor use opportunities. Sensitive resources would be provided the maximum protection possible. There would be more resource stewardship activities in this zone than in the Backcountry Exploration Zone due to higher levels of visitor use and the resulting impacts.</p> <p>There would be a higher tolerance for unnatural sounds and light sources than in the Backcountry Exploration Zone and vehicle noise and lights would be a more common occurrence.</p> <p>There would be active management to improve the undeveloped quality of wilderness character by removing defunct installations and debris that are not cultural resources.</p> <p>Restoration of biophysical processes would be appropriate and considered on a site by site basis, though some alteration of biophysical processes would persist due to the presence of the roads and their inherent alteration of surface hydrology. Due to relatively high visitor use and road capacity in this zone, the impacts to natural processes would be greater than in the Backcountry Exploration Zone.</p> <p>Scientific research would be appropriate and encouraged in this zone especially if not impacting safety, visitors, and resources. There would be opportunities to interpret scientific research to visitors.</p> <p>Cultural resource management in this zone</p>	<p>Exotic plant and animal species would be controlled and contained to mitigate impacts to resources and visitor use.</p> <p>Resource protection would be balanced with providing visitor use opportunities. Sensitive resources in high use areas would be provided the maximum protection possible. In wilderness, such actions would be carefully considered for their potential to degrade or improve wilderness character.</p> <p>Permanent lighting would be dark sky friendly. There would be a moderate tolerance for daytime unnatural sounds and a low tolerance for nighttime unnatural sound. There would be active management to improve the undeveloped quality of wilderness character by removing defunct installations and debris that are not cultural resources.</p> <p>There would be a moderate tolerance for disruption to biophysical processes, but where those processes are significantly altered restoration activities would be undertaken to mitigate impacts of human use.</p> <p>There would be a high tolerance for research activities that do not significantly impact recreational or resource values of sites. In wilderness, installations would rarely be appropriate. Research that can only be conducted in wilderness or is important to informing management of park wilderness resources may be permitted. In backcountry, temporary installations that are not highly visible or intrusive would be appropriate. Research of all types would be expected to occur within this area (social sciences, etc.). There would be opportunities to interpret scientific research to park visitors.</p> <p>Cultural resource management in wilderness lands</p>

CHAPTER TWO—ALTERNATIVES

<p>The integrity of ethnographic resources is preserved and protected through consultation with area tribes. Such actions would carefully consider both the historic significance of the resource and the preservation of wilderness character.</p> <p>There would a limited range of interpretive techniques (e.g., handouts, visitor contacts) or no interpretation of historic properties.</p>	<p>of a resource's historic features, qualities and materials. The integrity of ethnographic resources is preserved and protected through consultation with area tribes.</p> <p>Cultural sites would likely be a primary visitor attraction in this zone. Cultural sites would be protected from impacts of visitor use and to mitigate safety hazards.</p>	<p>would focus on identification, evaluation, monitoring, and inspection to enable the longterm preservation of a resource's historic features, qualities and materials. The integrity of ethnographic resources is preserved and protected through consultation with area tribes.</p> <p>Cultural sites would be a primary visitor attraction in this zone. Cultural sites would be protected from impacts of visitor use and to mitigate safety hazards.</p>	<p>would focus on inventory and condition assessments; preservation treatments would be considered using a minimum requirements decision process as needed. Such actions would carefully consider both the historic significance of the resource and the preservation of wilderness character.</p> <p>Cultural resource management in non-wilderness lands would focus on identification, evaluation, monitoring, and inspection to enable the long-term preservation of a resource's historic features, qualities and materials. The integrity of ethnographic resources is preserved and protected through consultation with area tribes.</p> <p>Cultural sites that are a primary attraction at high use areas would be protected from impacts of visitor use and to mitigate safety hazards. There would be opportunities to interpret cultural resources.</p>
---	---	--	--

**Table 7. Zones summarized by visitor experiences**

Wild Zone	Backcountry Exploration Zone	Backcountry Corridor Zone	High Use / Directed Use Zone
<p>Visitors would very rarely encounter other parties, and group sizes would be small. Visitor access and travel routes for hiking would be unrestricted. This zone would offer abundant opportunities to experience solitude, dark night skies, natural sounds, and clear vistas. The sense of solitude and remoteness would be easily realized. Recreational facilities such as trails and NPS wayfinding markers such as rock cairns or posts would be infrequent, but allowed in wilderness. There would be abundant opportunities for challenge, adventure, and discovery in self-directed recreational pursuits. Volunteer stewardship activities would not be emphasized but might be accommodated under the direction of the NPS. Types of stewardship activities could include but not be limited to archeological studies, site restorations, non-historic debris removal, and invasive weed management. Visitor education is obtained prior to travel into this zone. Most of the visitor information is focused on providing the skills and knowledge to promote safety in self-directed recreational pursuits. NPS provided visitor education is primarily through off-site or remote delivery methods.</p>	<p>Visitors would rarely encounter other parties in this zone, though the presence of modern humans would be obvious due to the road network. The quality of the natural soundscape would be moderate to high during the day (due to vehicle noises) and high at night. Quality of night sky may be moderate to high depending on proximity to headlights. The sense of solitude and remoteness could be realized in most places during most seasons. Recreational facilities might include minimally maintained or unmaintained unpaved roads, existing cabins, a few signs (mostly regulatory), potential for campfire facilities, and roadside campsites used for dispersed camping. There would be moderate opportunities for self-reliance and most recreational pursuits would be self-directed. Volunteer stewardship activities would be accommodated under the direction of the NPS. Types of stewardship activities could include but not be limited to archeological studies, site restorations, non-historic debris removal, and invasive weed management. Visitor education is focused on minimal health and safety (hantavirus, hazardous mines). Wayfinding and interpretive waysides are closely scrutinized in this zone and would not be appropriate in most cases.</p>	<p>Visitors would likely encounter other parties in this zone, most likely in passing on the road and where roadside camps are occupied. Most pursuits within this zone could be done with minimal close encounters with other parties, except at popular destination points where there may be several vehicles and parties at a time. The quality of the natural soundscape would be low to moderate during the day (due to vehicle noises) and high at night. Quality of night sky may be moderate to high depending on proximity to headlights. The sense of solitude and remoteness could be realized in some places and during some seasons. Recreational facilities would likely include maintained unpaved roads, existing cabins, a few signs (regulatory, wayfinding, and interpretive), potential for campfire facilities, and roadside campsites used for dispersed or designated camping. There would be moderate opportunities for self-reliance and most recreational pursuits would be self-directed. Volunteer stewardship would be encouraged under NPS direction. Types of stewardship activities could include but not be limited to archeological studies, site restorations, non-historic debris removal, resource condition monitoring, and invasive weed management. A full range of visitor education opportunities are appropriate in this zone, including signs, podcasts (or similar technological delivery methods), and ranger guided hikes or activities.</p>	<p>Encounter rates could be high and group sizes would be highly variable, but group sizes could be quite large (e.g. when a tour bus stops at the access point). Generally there would be a high likelihood of encountering other people or signs of other people in this zone. Quality of the natural soundscape would typically be low to moderate during the day depending on level of use and high at night. Quality of night sky may range from low to high depending on level of visitor use, particularly due to vehicle lights and occasionally nearby outdoor lighting. Minimal opportunity for solitude and sense of self-reliance. Roads may be frequent in backcountry. Trails would be NPS defined. There would be low tolerance for social trails. New trails may be created to provide a variety of recreational experiences and to protect sensitive resources. Human waste management would be considered. NPS created signs and waysides would be frequent in backcountry. NPS wayfinding signs would be infrequent but allowed in wilderness. Campsites may be designated. Volunteer stewardship would be encouraged under NPS direction. A wide variety of activities might be accommodated here. Resources would be actively interpreted both on-site and off-site. Ranger led tours, waysides, and signs would be appropriate.</p>

**Table 8. Zones summarized by administrative uses/actions**

Wild Zone	Backcountry Exploration Zone	Backcountry Corridor Zone	High Use / Directed Use Zone
<p>Consistent with the Wilderness Act there is no tolerance for new permanent communication/utility installations. The need for existing installations (pre-dating the designation of wilderness) would be re-evaluated by NPS and removed when no longer necessary or appropriate. Non-historic debris removal would be a priority in this zone but the tools and techniques used will be carefully evaluated using the minimum requirements decision analysis process.</p> <p>Consistent with the Wilderness Act, commercial services would generally be prohibited in this zone except to the extent necessary to realize the purposes of wilderness. Similarly, most special park uses in this zone would be limited. Sporting events and historic wagon train and equestrian events would not be permitted and group sizes would be limited. Wireless communication towers would not be allowed in this zone. Self reliance and self rescue (including communication technologies) would be emphasized in this zone. Access to emergency services would likely be very difficult and response times may be extremely long.</p> <p>There would be a low presence of NPS personnel in this zone, consisting primarily of resource management and law enforcement personnel.</p>	<p>There would be a moderate tolerance for existing installations and a low tolerance for new installations. Existing installations that are no longer needed would be removed. Road counters would be common.</p> <p>Non-historic debris removal would be undertaken where it detracts from visitor experience or is impacting resources.</p> <p>Commercial services and special park uses that support visitor access and enjoyment would be allowed. Number of, frequency of, and type of special park uses and/or commercial services would be carefully considered to avoid impacts to visitor backcountry experience and resources. Sporting events and historic wagon train and equestrian events would not be permitted and group sizes would be limited.</p> <p>Self reliance and self rescue (including communication technologies) are emphasized. Access to emergency services may be difficult and response times may be long.</p> <p>There would be a low to moderate presence of NPS personnel in this zone, consisting primarily of resource management and law enforcement personnel.</p>	<p>There would be a high tolerance for existing installations and a moderate tolerance for new installations. Existing installations that are no longer needed would be removed promptly. Road counters and road engineering structures would be common.</p> <p>Non-historic debris removal would be undertaken where it detracts from visitor experience or is impacting resources.</p> <p>Commercial services that support visitor access and enjoyment of backcountry would be allowed. Many types of special park uses would be permitted in backcountry as long as they would not interfere with visitor use or impact resources.</p> <p>Self reliance and self rescue (including communication technologies) are encouraged. Access to emergency services may be difficult in places and response times may be short or long. There would be a moderate to high presence of NPS personnel in this zone, including maintenance, law enforcement, interpretation, and resource management personnel.</p>	<p>There would be a high tolerance for existing installations and a moderate tolerance for new communications installations in backcountry. There would be no tolerance for utilities and communication installations in wilderness. Existing installations that are no longer needed would be removed promptly.</p> <p>Non-historic debris removal would be a priority in this zone, particularly where it detracts from visitor experience or is impacting resources in wilderness lands. Removal actions in wilderness will be carefully evaluated using the minimum requirements decision analysis process. Commercial services in non-wilderness backcountry that support visitor access and enjoyment of backcountry would be allowed. Commercial services in wilderness would generally be prohibited except to the extent necessary to realize the purposes of wilderness. Similarly, many types of special park uses would be permitted in backcountry areas as long as they would not interfere with visitor use or impact resources, but in wilderness sporting events and historic wagon train and equestrian events would not be permitted, and group sizes would be limited.</p> <p>Self reliance and self rescue (including communication technologies) are encouraged. Emergency services are relatively accessible and response times may be short or long.</p> <p>There would be a high presence of NPS personnel in this zone, including maintenance, law enforcement, interpretation, and resource management personnel.</p>

## 2.2.6 Visitor Use Strategies for Specific Locations in the High Use/Directed Use Zone

Section 6.3.4.2. of NPS *Management Policies 2006* states:

*The wilderness management plan will identify desired future conditions, as well as establish indicators, standards, conditions, and thresholds beyond which management actions will be taken to reduce human impacts on wilderness resources.*

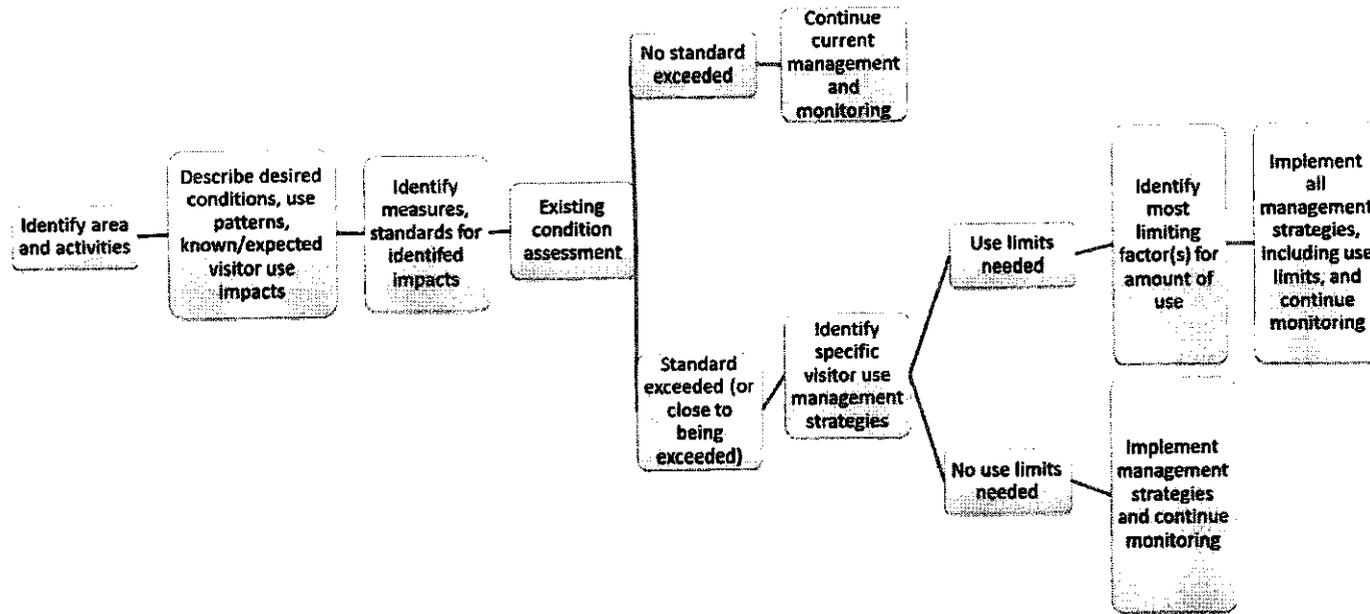
An essential element of the action alternatives would be to establish a management framework that addresses current trends and opportunities and also provides guidance for managers to adapt actions as trends change. These are the primary elements in this management framework required to fulfill the agencies policy mandate:

- *Desired conditions* provides a picture of the desired wilderness or backcountry conditions for each management zone.
- *Indicators/Measures* track conditions to assess progress at attaining desired conditions and preserving wilderness character.
- *Standards* are management decisions on the minimum acceptable condition for measures, and serve as triggers for management action.
- *Management actions* are implemented, after a problem analysis, to maintain or restore desired conditions.

Figure 4 shows the decision process used at Death Valley to develop the visitor use management framework. The vast majority of the park experiences low visitation and the existing condition assessment found that in those areas the desired condition was being realized. For those areas, the park will follow the top pathway of figure 4 and continue to monitor and report on trends in wilderness character as outlined in appendix G. The decision to take a less active approach to management of sites where existing conditions are largely acceptable was deliberate on the part of park managers in order to maximize the opportunities for primitive and unconfined recreation while still protecting park resources.

Several locations were identified by park staff, cooperators, and the public as being locations where visitor use impacts were a concern. These locations became the focus of a visitor use analysis to better understand the underlying cause(s) of the impacts and to explore what could be done to avoid, minimize, or mitigate the impacts. Why actions are being considered is summarized in table 4 and discussed in the affected environment section, chapter 3. What is proposed to be done to address the issue is included in the three action alternatives presented in the next section, primarily focused on the specific locations that are zoned for high use/directed use. However, not all of the same locations are zoned for high use/directed use in all three alternatives. The differences reflect the different concepts that underlay the alternatives, where alternative B takes a reactive approach to intervene only when and where standards are clearly exceeded, while alternative C takes a proactive approach to intervene where standards are exceeded or potentially exceeded during the life of this plan, and alternative D takes a focused approach to intervene where standards are currently exceeded as well as where and when conditions are currently approaching standard. How these management actions are actually implemented is found in the appendices, which are meant to be living documents that are periodically updated as information changes, technology improves, or conditions change, provided that the implementation details stay consistent with the actions identified and analyzed in this environmental assessment.

Figure 4. Decision process for identifying area specific visitor use management strategies, including use limits.



CHAPTER TWO—ALTERNATIVES

**Table 9. Visitor use issue analysis and strategies for specific locations managed for high use / directed use (8 pages). How these measures are undertaken is discussed in appendix G and how the education strategy is implemented is discussed in appendix I.**

Location	Applicable to these Alternatives	Issue	Proposed Measures	Proposed Standards	Proposed Management Strategy
<b>Aguereberry Point</b> (backcountry)	B, C, D	Improper disposal of human waste	Number of encounters of improper human waste disposal	No or limited incidence of improperly disposed human waste	No NPS Interpretive groups and no Special use permit groups over 20 participants. Revise terms and conditions for special use permits to include proper human waste disposal.
		Crowding due to frequency of encounters with other parties	Number of encounters with other visitor groups per hour	No more than an average of three encounters with other visitor groups per hour	Implement visitor education regarding proper human waste disposal.
<b>Butte Valley and Warm Springs Cabins</b> (backcountry)	C, D	Improper disposal of human waste at cabins, especially during high use seasons and near springs	Number of encounters of improper human waste disposal	No or limited incidence of improper disposal of human waste	Require pack-out of human waste during high use seasons or provide on -site toilet facilities.
		Unauthorized "maintenance" or alterations to cabins	Number and severity of Incidence of unauthorized cabin work	No unauthorized cabin maintenance or alterations	Establish a cabin stewardship program to facilitate cabin maintenance activities by interested groups and individuals under NPS direction with proper care for historic materials and worker safety.
		Presence/absence of posted warning signs at cabins regarding hanta virus and other concerns	Presence/absence of posted warning signs at cabins regarding hanta virus and other concerns	All cabins posted with visitor safety warnings	Conduct bi-annual inspection and replacement of warning signs Remove visitor campfire rings Maintain one well constructed and safely located firepit at each cabin and routinely remove all unauthorized firerings
		Presence of visitor constructed fire rings near cabins	Presence of visitor constructed fire rings near cabins	No visitor created campfire rings	Manage all groups via special use permits (appendix G).
		Rendezvous of large groups at cabin sites without permits thus exceeding the site capacity	Number of large groups at each cabin site at the same time	No more than two special use permit groups per week.	Operate cabins as administrative sites for specific park purposes.
<b>Corkscrew Peak</b> (wilderness)	C	Multiple routes and visitor created route markers	Visitor complaints regarding difficulty in route finding	No more than 6 complaints per year	Establish clearly marked route from existing parking area at Hells Gate to top of Corkscrew Peak.

CHAPTER TWO—ALTERNATIVES

Location	Applicable to these Alternatives	Issue	Proposed Measures	Proposed Standards	Proposed Management Strategy
Cottonwood Canyon/Marble Canyon Hiking Loop (backcountry and wilderness)	B, C, D	Improper disposal of human waste especially in and near the spring brook	Number of encounters of improper human waste disposal	No more than one incidence of improperly disposed human waste per campsite	Require that human waste be packed out during high use seasons and when large groups are permitted.
		Crowding due to frequency of encounters with other parties and competition for optimal campsites during high use seasons	Number of encounters with other visitor groups when more than two miles from end of road	No more than 4 encounters per day	Manage the road and hiking corridors for designated camping rather than dispersed camping.  Implement an overnight use permit system as necessary to allocate campsites.
		Disturbance to nesting riparian birds by visitors	Incidence of nest abandonment or reduction in nesting success	No incidence of nest abandonment due to visitor encounters	Manage groups under a special use permit with specific terms and conditions.  Designate and mark a hiking trail through Cottonwood Canyon to avoid disturbance of birds. Avoid establishing campsites near nesting habitat.
Darwin Falls (backcountry and wilderness)	B, C, D	Improper disposal of human waste	Number of encounters of improper human waste disposal	No incidence of improperly disposed human waste	NPS Interpretive groups and Special use permit groups limited to no more than 20 participants.
		Crowding due to frequency of encounters with other parties	Number of encounters with other visitor groups per hour	No more than an average of three encounters with other visitor groups per hour	Formalize trailhead with designated parking, low maintenance toilet facility, and visitor use information sign.
Desolation Canyon	C	Crowding due to frequency of encounters with other parties	Number of encounters with other visitor groups per hour	No more than an average of five encounters with other visitor groups per hour	Establish formal trailhead with visitor use information. NPS Interpretive groups and Special use permit groups limited to no more than 20 participants. Do not pave access road.

CHAPTER TWO—ALTERNATIVES

Location	Applicable to these Alternatives	Issue	Proposed Measures	Proposed Standards	Proposed Management Strategy
<b>Eureka Dunes</b> (backcountry and wilderness)	C, D	Improper disposal of human waste	Number of encounters of improper human waste disposal	No incidence of improperly disposed human waste	Establish designated campsites along east side of dunes outside of archeological sites, one would be a group campsite. No dispersed camping allowed within 2 miles. Upgrade or replace the existing vault toilet to ensure a locking door, an acceptable seat, and increased capacity. Install a second low maintenance toilet on east side of dunes outside of archeological sites. Increase maintenance frequency of toilet facilities and/or increase capacity of existing toilet. Support a campground host at this site during heavy use periods. Increase visitor education both on-site and off-site, improve visitor use signs. Do not pave the road.
		Proliferation of out of bounds campsites	Number of out of bounds campsites or parking areas	No out of bounds camping	
		Illegal off road travel, especially along east side of dunes	Linear feet of new tracks encountered monthly	No new tracks	
		Illegal sandboarding	Number of sandboarding incidence documented per month	No incidence of sandboarding	
		Disturbance to archeological sites/illegal artifact collection	Number of illegal collecting incidence documented per month by law enforcement personnel; archeological site condition	No incidence of illegal collection or disturbance; archeological sites conditions do not degrade due to visitor activities	
<b>Indian Pass</b> (frontcountry parking and wilderness)	C, D	Improper disposal of human waste	Number of encounters of improper human waste disposal	No more than 3 incidence of improperly disposed human waste along primary hiking route	Require permits for overnight use. Establish a trailhead with a small graded parking area to accommodate a few vehicles off the highway for overnight parking. Provide a trailhead sign with visitor use information, including information regarding proper disposal of human waste and alternative backpacking routes when the parking area is full. If campsite proliferation at the canyon becomes a problem, consider establishing designated campsites and prohibiting dispersed camping.
		Crowding due to frequency of encounters with other parties	Number of encounters with other visitor groups per hour	No more than an average of three encounters with other visitor groups per day	
		Unsafe parking along Highway 190 and associated damage to road shoulder	Number of vehicles parked along Highway 190 near route origin	No vehicles parked overnight along road shoulder (after construction of new parking area)	

CHAPTER TWO--ALTERNATIVES

Location	Applicable to these Alternatives	Issue	Proposed Measures	Proposed Standards	Proposed Management Strategy
<b>Keane Wonder Mine</b> (after safety concerns are addressed and site is re-opened to the public) (backcountry and wilderness)	B, C, D	Sensitive historic resources	Incidents of visitor caused damage to historic resources	No incidence of damage to historic resources	Install low maintenance toilet facility.  Do not enlarge the parking lot or pave the road.  Limit size of NPS interpretive walks to no more than 20 participants during busy periods.  Do not issue special use permits for groups larger than 20.  Implement visitor education strategy and post visitor use information regarding visitor safety around mine sites, protection of historic resources, and proper human waste disposal.
		Improper disposal of human waste	Number of encounters of improper human waste disposal	No incidence of improperly disposed human waste	
		Crowding due to frequency of encounters with other parties	Number of encounters with other visitor groups per hour	No more than an average of three encounters with other visitor groups per hour	
<b>Mesquite Flat Dunes</b> (backcountry and wilderness)	B, C, D	Sensitive cultural resources	Incidents of illegal camping	No incidence of illegal camping	Maintain area as day use and direct visitor parking and access to the existing parking area.
		Illegal off road travel	Linear feet of new tracks encountered monthly	No new tracks	
<b>Mosaic Canyon</b> (backcountry and wilderness)	B, C, D	Improper disposal of human waste	Number of encounters of improper human waste disposal	No incidence of improperly disposed human waste	Formalize trailhead including clearly delineated parking area, low maintenance toilet, and visitor information signs. Post areas as "no parking" where needed to avoid out of bounds or overflow parking.  Limit special use permit groups to no more than 20 participants.  Limit NPS interpretive programs to no more than one a day.
		Crowding due to frequency of encounters with other parties	Number of encounters with other visitor groups per hour	No more than an average of seven encounters with other visitor groups per hour	
		Out of bounds parking when lot is at capacity	Number of vehicles parked out of bounds per hour during high use periods	No more than 2 incidents of out of bounds parking per day.	

CHAPTER TWO—ALTERNATIVES

Location	Applicable to these Alternatives	Issue	Proposed Measures	Proposed Standards	Proposed Management Strategy
<b>Natural Bridge</b> (backcountry and wilderness)	B, C, D	Out of bounds parking when lot is at capacity	Number of vehicles parked out of bounds per hour during high use periods	No more than 2 incidents of out of bounds parking per day.	Formalize trailhead including clearly delineated parking area near existing toilet facility, and post visitor information signs. Post areas as "no parking" where needed to avoid out of bounds or overflow parking.
		Crowding due to frequency of encounters with other parties	Number of encounters with other visitor groups per hour	No more than an average of seven encounters with other visitor groups per hour below the bridge or three per hour beyond the bridge.	Upgrade toilet capacity if necessary to meet demand.  Limit special use permit groups to no more than 20 participants. Limit NPS interpretive programs to no more than one a day.  Do not pave access road.
<b>Racetrack Playa/ Homestake Dry Camp</b> (backcountry and wilderness)	B, C, D	People moving, defacing, or stealing the rocks on the playa	Number of new rockless tracks	No rocks moved or removed	Include visitor information signs at Racetrack Playa parking area regarding no removal of rocks, no walking on playa when its wet, proper disposal of human waste and no overnight camping. Incorporate similar messages into other visitor education materials.
		Crowding at Homestake Dry Camp	Number of new visitor created campsites	No camping outside of designated campsites	
		Improper disposal of human waste	Number of encounters of improper human waste disposal along road between Playa parking area and Homestake Dry Camp	No incidence of improperly disposed human waste	Formally establish Homestake Dry Camp as a primitive campground, including delineated campsites with firepits and picnic tables at each site. Replace existing plastic outhouse with a low maintenance toilet facility.  Do not pave road or improve road maintenance. Remove existing roadberm and ditch adjacent to Racetrack Road to restore natural contours to allow natural overland flows from Ubehebe Peak onto the playa. Install low profile fencing outside of wilderness as necessary to prevent off road
		Off road vehicle travel on playa	Count new vehicle tracks on playa per month	No new tracks	
		Hiking on playa when its wet	Count new footprints per month	No new footprints	
		Crowding at the playa parking area and environs	Number of visitor complaints	Less than five complaints about crowding per year	

CHAPTER TWO--ALTERNATIVES

Location	Applicable to these Alternatives	Issue	Proposed Measures	Proposed Standards	Proposed Management Strategy
		Altered natural overland flow onto playa due to road berm and ditch previously constructed to prevent off-road travel	NA	NA	travel onto playa. Install strong "No Driving on Playa" sign on road at northern end of Racetrack Playa.
<b>Sidewinder Canyon</b> (backcountry and wilderness)	C, D	Improper disposal of human waste	Number of encounters of improper human waste disposal	No incidence of improperly disposed human waste	Formalize trailhead including clearly delineated small parking area, low maintenance toilet facility, and visitor information signs. Delineate trail as needed up Sidewinder Canyon.
		Crowding due to frequency of encounters with other parties	Number of encounters with other visitor groups per hour	No more than an average of three encounters with other visitor groups per hour	Limit size for NPS interpretive walks to no more than 12 or consider no NPS guided activities at this location. Do not authorize this site for special use permit groups or commercial use groups.
<b>Skidoo Historic Site</b> (backcountry)	B, C, D	Sensitive historic resources	Incidents of visitor caused damage to historic resources	No incidence of damage	Manage site for day use only. No roadside camping.
		Improper disposal of human waste	Number of encounters of improper human waste disposal	No incidence of improperly disposed human waste	Implement visitor education strategy and post visitor use information regarding visitor safety around mine sites, protection of historic resources, and proper human waste disposal.
		Crowding due to frequency of encounters with other parties	Number of encounters with other visitor groups per hour	No more than an average of three encounters with other visitor groups per hour	No NPS interpretive groups and no special use permit groups over 20 participants. Revise terms and conditions for special use permits to include proper human waste disposal.
<b>Surprise Canyon</b> (NPS managed portion only) (backcountry and wilderness)	B, C, D	Improper disposal of human waste	Number of encounters of improper human waste disposal	No more than two incidence of improperly disposed human waste observable from the trail	Implement visitor education strategy and post visitor use information regarding visitor safety around mine sites, protection of historic resources, and proper human waste disposal . If standards are still exceeded, coordinate

CHAPTER TWO—ALTERNATIVES

Location	Applicable to these Alternatives	Issue	Proposed Measures	Proposed Standards	Proposed Management Strategy
		Crowding due to frequency of encounters with other parties	Number of encounters with other visitor groups per hour	No more than an average of five encounters with other visitor groups per day	with BLM for installation of trailhead toilet (on BLM land) or implement a pack it out strategy for high use seasons.  Require permits for overnight use and include terms and conditions regarding protection of sensitive resources, proper disposal of human waste and staying on trail.  Coordinate with BLM on trail designation and management.
<b>Telescope Peak</b> (backcountry and wilderness)	B, C, D	Improper disposal of human waste	Number of encounters of improper human waste disposal	No more than an average of three new incidences of improperly disposed human waste for length of trail during primary use season (measured every two months)	Require permits for overnight use and include terms and conditions regarding protection of sensitive resources, proper disposal of human waste, staying on trail, and camping in previously used campsites. Implement Education Strategy. If problems persist consider designated campsites, limiting number of overnight permits issued per day for this area, and/or pack it out requirement for human waste disposal.  No special use permits for groups larger than 20. Limit NPS or Death Valley Natural History Association guided hikes to 12 individuals.
		Spur trails and cutting of switchbacks	Number of new spur trails	No more than two new spur trails along the route during primary use season	
		Proliferation of user defined campsites along route and size creep of existing campsites with frequent use	Seasonally count number of campsites by quantitative size categories	No increase in number or size of campsites	
<b>Titus Canyon</b> (backcountry and wilderness)	B, C, D	Improper disposal of human waste, especially in/near spring and Leadfield historic site	Number of encounters of improper human waste disposal	No incidence of improperly disposed human waste	Manage Titus Canyon for day use only to minimize impacts to bighorn sheep  Implement education strategy regarding

CHAPTER TWO—ALTERNATIVES

Location	Applicable to these Alternatives	Issue	Proposed Measures	Proposed Standards	Proposed Management Strategy
		Archeological site degradation at Leadfield historic site and petroglyph	Site condition as recorded in ASMIS	Maintain or improve condition (poor, fair, good) at each assessment	protection of natural (Klare Spring, bighorn sheep) and cultural resources (petroglyph site, Leadfield historic site), and proper disposal of human waste.
		Visitor use causes disruption of bighorn sheep access to Klare Spring for water	Persistence of bighorn population in the vicinity	Population remains viable and uses habitat around Titus Canyon/Klare Spring	Limit group size and manage groups under a special use permit with specific terms and conditions.
		Crowding around Leadfield and at Klare Spring	Number of encounters with other parties	No more than ten encounters with other parties per trip through Titus Canyon	Formalize parking area and limit number of parking spots (about 7) and install low maintenance toilet at Leadfield/Klare Springs vicinity.
					Develop a self guided site exploration trail around the Leadfield and Klare Springs area to avoid trampling and social trailing.  Either remove petroglyph sign or develop a more comprehensive interpretive sign and access barrier near the site.
Ubehebe Crater (backcountry)	B, C, D	Crowding/encounter rates	Number of visitor groups inside the Crater at one time	No more than an average of five encounters with other visitor groups inside of the crater at any one time	To preserve and protect the integrity of sensitive ethnographic resources at Ubehebe Crater, area tribes will be consulted prior to the installation of a large capacity, low maintenance toilet facility below the parking area before road splits.
		Improper disposal of human waste	Number of encounters of improper human waste disposal	No incidence of improperly disposed human waste	No Special Use Permit groups over 20. Limit NPS interpretive programs to no more than one a day.

## **2.3 ALTERNATIVE B: MINIMUM ACTION ALTERNATIVE**

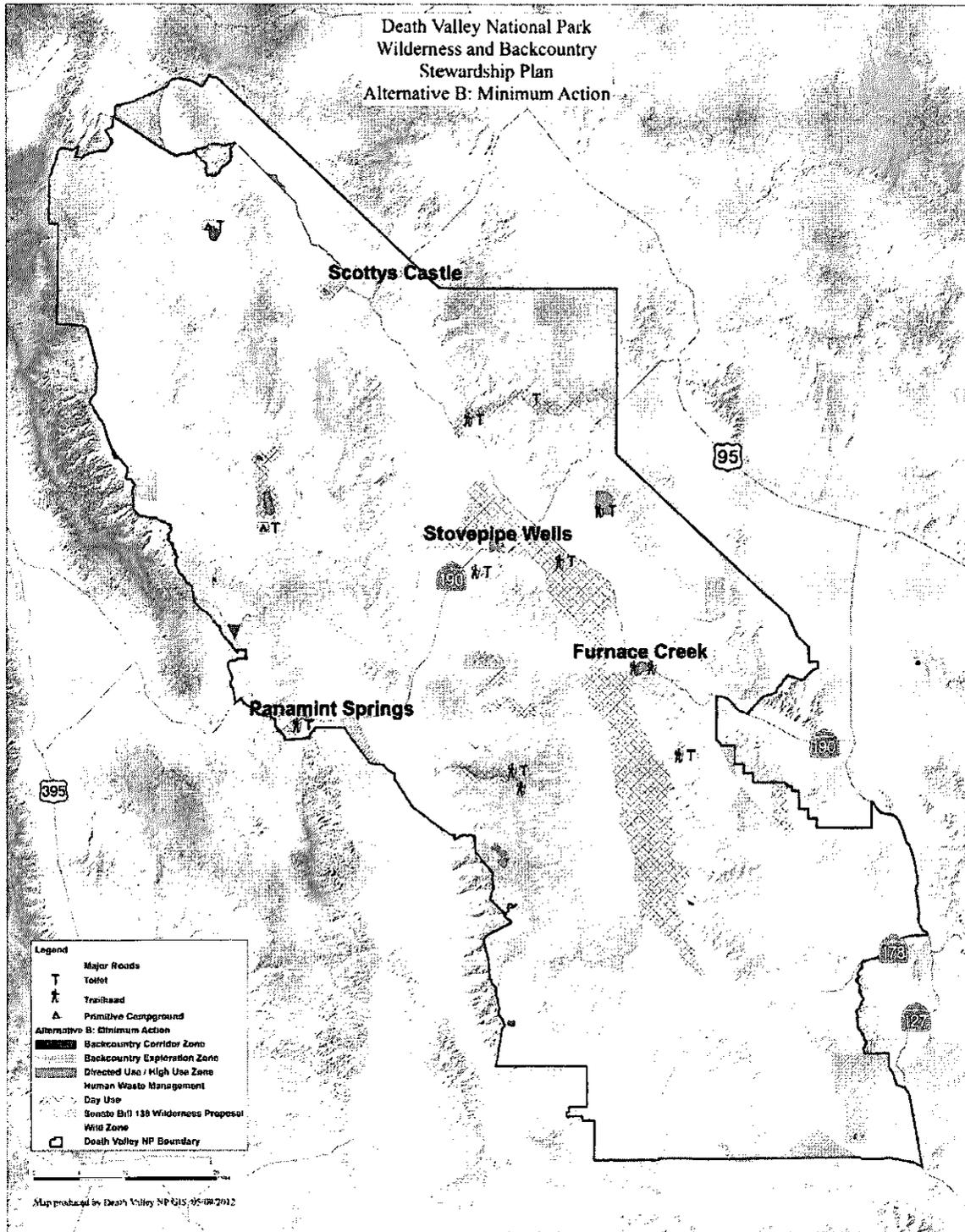
### **2.3.1 Description of the Alternative**

To fulfill the intent of maximizing outstanding opportunities for solitude or primitive and unconfined recreation, visitor services and park operations would be conducted in a manner that minimizes the imprint of modern humans within the wilderness. There would be no new or very limited new infrastructure and facilities in the backcountry. Resource and visitor experience conditions that are currently unacceptable or that are approaching unacceptable are identified and addressed through targeted management actions using the least intensive management tools suitable to the situation. This alternative would formalize the no-action alternative and add a few specific actions to address current visitor impact issues while fulfilling current agency requirements for wilderness and backcountry administration (e.g. adopting a minimum requirements decision process, evaluating science in wilderness, etc.).

### **2.3.2 Zone Descriptions**

In this alternative the Wild Zone would be 3,099,000 acres, the Backcountry Exploration Zone would be 205,000 acres, the Backcountry Corridor Zone would be 8,000 acres, and the High Use/Directed Use zone would be 8,000 acres. A map of this alternative is found in figure 5.

Figure 5. Map of Alternative B: Minimum Action Alternative



### 2.3.3 Wilderness and Backcountry Management

- **Wilderness Character:** All four qualities of wilderness character would be valued and protected. Similar to the no-action alternative, this alternative would provide emphasis for enhancement of the undeveloped quality and outstanding opportunities for primitive and unconfined recreation. Solitude would be abundant, but the lack of visitor restrictions and facilities means that unintentional (and ill-prepared) wilderness users could be encountered in wilderness settings, thus potentially reducing opportunities for solitude.
- **Backcountry Opportunities:** This alternative is similar to the no-action alternative in proposing minimal changes to facilities or visitor experiences but would formalize some administrative processes. The small number of new facilities would target existing areas of concern to mitigate unacceptable impacts to park resources. Backcountry opportunities would be abundant but would require more self-reliance and self-direction than Alternatives C or D.
- **Wilderness Dispersed Overnight Use Group Size Limits:** 12 individuals per party per night
- **Backcountry Dispersed Overnight Use Group Size:** 12 individuals and 3 vehicles per party per night.
- **Human Waste Disposal:** A requirement to pack out solid waste and toilet paper using a sanitary system would be implemented along the Cottonwood Canyon and Marble Canyon Loop, including both the roads and hiking route. In addition, there would be new low maintenance toilets constructed at non-wilderness sites at Keane Wonder mine, Darwin Falls trailhead, Leadfield historic site, and Mosaic Canyon trailhead. The site placement, toilet type (e.g. composting, solar dehydration, traditional vault, etc.), and capacity would be determined later based on engineering studies and use conditions.
- **Visitor Use Restrictions:** Dispersed camping would not be allowed within 1 mile of all paved roads plus the following graded dirt roads: Titus Canyon, West Side Road, Wildrose, Skidoo Mine, Aguerberry Point Rd, Mosaic Canyon, Cottonwood Canyon Road (first 8 miles), Grotto Canyon Rd, Keane Wonder Mine Rd, Salt Creek Rd., Historic Stovepipe Wells Rd., Racetrack Rd from Teakettle Junction to Homestake Dry Camp, Natural Bridge Canyon, Desolation Canyon, Big Pine Road and along the Death Valley floor from Ashford Mill to 2 miles north of the Mesquite Flat Sand Dunes. In addition, Darwin Falls Trail and the Greenwater Canyon (not Greenwater Road) would be designated as day use only.
- **Carrying Capacity Limits:** As indicated in section 2.2.6, specific visitor capacity management actions (including potential use limits) would be implemented at these sites that are zoned for directed use/high use: Aguerberry Point, Darwin Falls, Skidoo Historic Site, Keane Wonder Mine, Mesquite Flat Dunes, Mosaic Canyon, Telescope Peak, Surprise Canyon, and Ubehebe Crater.

### 2.3.4 Commercial Services and Special Park Uses

Listed below are the commercial services that Death Valley National Park would authorize for permit under this alternative. Non-profit groups may apply for a special use permit for the same activities. The same limits on group size, frequency, and activity locations would apply to commercial use authorizations and non-commercial special use permits.

- **Day Use Motorcycle Groups:** One event per location per day and no more than 2 events per location per week. Travel restricted to backcountry roads only. Group size limited to 15 motorcycles per group, plus no more than 2 support vehicles.
- **Day Use 4-wheel-drive Groups:** One event per location per day and no more than 2 events per location per week. Travel restricted to existing backcountry roads only. Group size limited to 5 vehicles total.

## CHAPTER TWO—ALTERNATIVES

- Day Use Hiking and Photography Groups: Allowed in both backcountry and wilderness, limited to 10 people per group and 3 support vehicles. One commercial group per day in Mosaic Canyon, Natural Bridge Canyon, and Sidewinder Canyon. Support vehicles restricted to travel on backcountry roads.
- Day Use Guided Bicycle Groups: One event per location per day. Bicycle use allowed on backcountry roads only, no off-road travel permitted. Group size limited to 20 bikes and no more than 3 support vehicles.
- Day Use Guided Horse and Pack Animal Trips: One event per location per day. Travel with pack animals restricted to backcountry roads only. Group size limited to 6 animals and no more than 3 support vehicles.
- Day Use Running Sporting Events: Allowed on West Side Road only. One hundred people and 10 support vehicles maximum.
- Day Use Bicycle Sporting Events: Not allowed in backcountry or wilderness.
- Day Use Guided Canyoneering Groups: Not allowed in backcountry or wilderness.
- Day Use Guided Climbing Groups: Not allowed in backcountry or wilderness.
- Overnight Motorcycle Groups: One event per location per day and no more than 2 events per location per week. Travel restricted to existing backcountry roads only. No more than 8 people and 4 vehicles total.
- Overnight 4-wheel-drive Groups: One event per location per day and no more than 2 events per location per week. Travel restricted to existing backcountry roads only. No more than 10 people and 3 vehicles total.
- Overnight Bicycle Groups: One event per location per day and travel restricted to existing backcountry roads only. No more than 10 people and 3 support vehicles.
- Overnight Backpacking / Hiking Groups: Foot travel allowed in backcountry and wilderness. No more than 10 people and 3 support vehicles. One commercial group per day in Marble Canyon, Cottonwood Canyon, and Indian Pass Canyon. Support vehicles restricted to travel on backcountry roads.
- Overnight Horse and Pack Animal Groups: Travel restricted to existing backcountry roads only. No more than 10 people, 6 animals, and 3 support vehicles.
- Overnight Wagon Train Events: One event per year and travel restricted to existing backcountry roads only. No more than 5 wagons/20 stock/15 people and no more than 2 support vehicles.
- Overnight Historic Equestrian Events: One event per year and travel restricted to existing backcountry roads only. No more than 20 horses and riders and 5 additional people. No more than 7 support vehicles.

### 2.3.5 Backcountry Facilities

- Unpaved Roads: Approximately 670 miles of existing unpaved roads would be managed as backcountry exploration roads with minimal maintenance by NPS except as necessary to keep road conditions passable by high clearance 4-wheel-drive vehicles. Approximately 270 miles of existing unpaved roads would be managed as backcountry corridor roads, including routine maintenance by NPS or other agencies to keep road conditions passable by 2-wheel-drive vehicles.
- Primitive campgrounds: No new primitive campgrounds would be developed in this alternative, though some facilities at existing primitive campgrounds at Eureka Dunes and Homestake Dry Camp could be upgraded (e.g. new toilet facilities) as discussed elsewhere in this section.
- Designated Roadside Camping Corridors: No designated roadside camping corridors would be established.
- Dispersed Roadside Camping: Approximately 770 miles of backcountry road would be open for self-directed use. Site selection would be on a first-come first served basis and visitors would be

## CHAPTER TWO--ALTERNATIVES

informally encouraged to camp in previously used campsites in order to minimize campsite proliferation.

- **Trails and Trailheads:** The trailheads at Darwin Falls and Fall Canyon would be formalized. The existing trailheads identified in the no-action alternative would remain unchanged at Telescope Peak, Wildrose Peak, Natural Bridge Canyon, Golden Canyon, Zabriskie Point, Keane Wonder Mine, Salt Creek, Mesquite Flat Sand Dunes, Badwater, Ubehebe Crater, and Mosaic Canyon. Each trailhead would include a place to park and some sort of wayfinding direction to aid visitors in accessing the trail, though the configuration and information available at each trailhead would be highly variable. Some trailheads could also have toilet facilities as indicated elsewhere in this section. These trailheads would provide access to 27 miles of designated trails.
- **Backcountry Cabins:** Cabins would be evaluated for historic significance and safety concerns, and over time treatment prescriptions would be developed. Volunteer stewardship activities would implement those treatment prescriptions. Cabins in the backcountry would be available for public use on a first come, first serve basis with a seven day stay limit. All use would be at the visitor's own risk and some safety hazards would be signed or otherwise identified in some cabins (e.g. warnings about hantavirus risk). The park would prohibit the installation of locks, and all fires in cabins would be prohibited. There would be a requirement that human waste be disposed of at least 400 feet from the cabin or packed out, unless there is a park-installed toilet facility.
- **Campfire Rings:** Same as the no-action alternative. No campfires would be allowed except in firepits in designated campgrounds and campsites. No fuel wood collection would be allowed.
- **Signs:** Same as the no-action alternative. Very few interpretive or wayfinding signs would exist outside of the main travel routes. Major backcountry road junctions might or might not be signed and a variety of sign styles would be used.

### 2.3.6 Administrative Activities

- **Overnight Visitor Use Permits:** Voluntary overnight wilderness permits would be issued in the Furnace Creek Visitor Center for free during business hours. In addition, Cottonwood Canyon/Marble Canyon Loop (both road sections and backpacking sections) would require mandatory permits for overnight use.
- **Administrative Camps:** Same as the no-action Alternative. There would not be any established administrative camps, though various sites could be used to accommodate administrative groups (e.g. research groups, work crews, etc.) on an as needed and as available basis.

### 2.3.7 Costs

The cost of implementing the minimum action alternative was generated by combining FY2011 budget analysis with budget projections of the specific management actions outlined in the alternative. Each division of Death Valley National Park generated this budget analysis by identifying those program areas and costs that intersected directly with backcountry and wilderness management. Since the minimum action alternative outlines some actions that require one-time project and capital expenditures, the data was further refined to provide both an estimate of the one-time expenses and the cyclic or annual expenses. The estimated cost of implementing the minimum action alternative would be:

- One-time capital and project expenses: \$513,567
- Cyclic or annual expenses: \$1,380,049
- Total expenses: \$1,893,616

## **2.4 ALTERNATIVE C: MAXIMUM ACTION ALTERNATIVE**

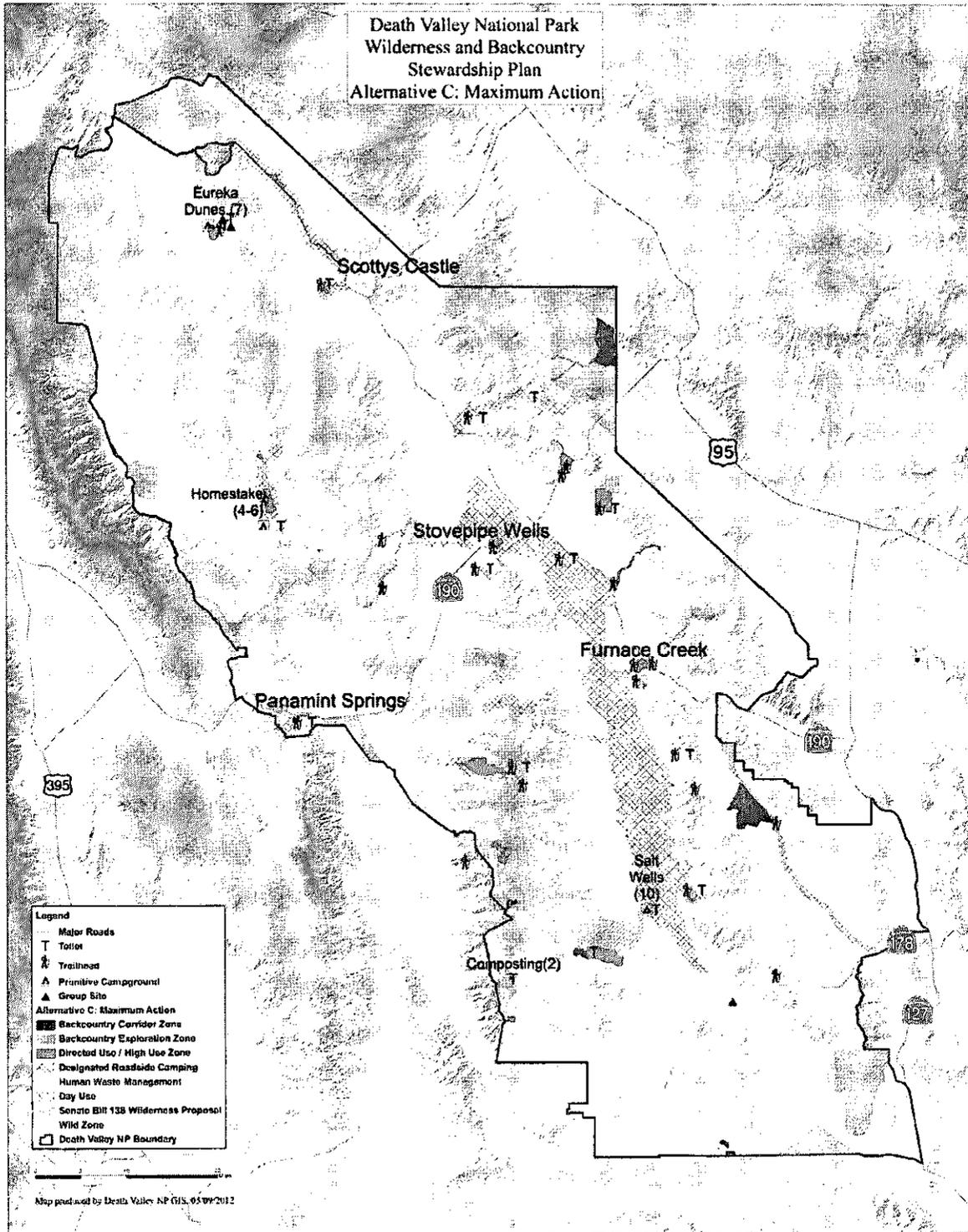
### **2.4.1 Description of the Alternative**

Outstanding opportunities for solitude or primitive and unconfined recreation would still occur for self-reliant visitors, but there would be more opportunities for park visitors with less experience or lacking specialized equipment. The park would seek opportunities to partner with neighboring land management agencies to provide improved access between the park and adjacent public lands. Where appropriate, new infrastructure and facilities would be developed in backcountry locations to enhance visitor opportunities and mitigate visitor use impacts. Visitor services and park management operations, including field activities, education, outreach, and interpretive programs would likely increase from current levels. Highest priority would be given to addressing locations where impacts of visitor use are currently unacceptable and actions would be taken to manage visitor use or specific aspects of visitor use in order to meet standards. Over time, other locations would receive increased management with the intent of proactively managing visitor use to maintain desired visitor experiences and protect park resources.

### **2.4.2 Zone Descriptions**

In this alternative the Wild Zone would be 3,093,500 acres, the Backcountry Exploration Zone would be 181,000 acres, the Backcountry Corridor Zone would be 18,500 acres, and the High Use/Directed Use Zone would be 27,000 acres. A map of this alternative is found in figure 6.

Figure 6. Map of Alternative C: Maximum Action



### 2.4.3 Wilderness and Backcountry Management

- **Wilderness Character:** All four qualities of wilderness character would be valued and protected. This alternative would also enhance the quality of and opportunities for solitude for the visitors who intentionally seek it by providing a contrast with the increased level of visitor services provided in the backcountry; however, there would be some loss of unconfined recreational use due to the associated increase in visitor use restrictions. The undeveloped quality would remain largely unchanged in wilderness but there would be a number of new developments in backcountry sites immediately adjacent to wilderness. Such increased developments and focused visitor use might result in a decrease in naturalness in some areas. For example, in some areas invasive plants may increase as they are spread by visitors. As the park would likely attempt to control the potential spread of invasive plants, there could be an increased potential for degradation of the untrammelled quality.
- **Backcountry Opportunities:** This alternative would provide for the largest number of additional designated visitor use locations by formalizing existing visitor use patterns and anticipating future demands. New facilities would be developed to accommodate sustainable visitor use and protect park resources from direct and indirect impacts associated with visitor use. The new facilities and NPS direction would offer a more structured experience for visitors who want it while maintaining abundant opportunities for visitors who want a remote and self-directed experience.
- **Wilderness Dispersed Overnight Use Group Size Limits:** 15 individuals per party per night.
- **Backcountry Dispersed Overnight Use Group Size:** 15 individuals and 6 vehicles per party per night (unless authorized under a Special Use Permit or in a designated group site).
- **Human Waste Disposal:** A requirement to pack out solid waste and toilet paper using a sanitary system would be implemented along the Cottonwood Canyon and Marble Canyon Loop, including both the roads and hiking route. New low maintenance toilets would be added at non-wilderness sites at these locations: Keane Wonder Trailhead, Mosaic Canyon Trailhead, Darwin Falls Trailhead, Salt Wells Campground, Sidewinder Canyon Trailhead, Leadfield historic site, near the Ubehebe Crater parking lot, and Teakettle Junction. The park would replace or upgrade existing toilet facilities at Homestake Dry Camp and Eureka Dunes as well as add an additional toilet to the Eureka Dunes. In addition, the park would install a new toilet or rehabilitate the existing septic system at Warm Springs Camp and replace the existing outhouses with new toilets at each of the Butte Valley cabins. The site placement, toilet type (e.g. composting, solar dehydration, traditional vault, etc.), and capacity would be determined later based on engineering studies and use conditions.
- **Visitor Use Restrictions:** Dispersed camping would not be allowed within 1 mile of all paved roads plus the following graded dirt roads: Titus Canyon, West Side Road, Wildrose, Skidoo Mine, Aguerberry Point Rd, Mosaic Canyon, Cottonwood Canyon Road (first 8 miles), Grotto Canyon Rd, Keane Wonder Mine Rd, Salt Creek Road, Historic Stovepipe Wells Road, Racetrack Road from Teakettle Junction to Homestake Dry Camp, Natural Bridge Canyon, Desolation Canyon, Big Pine Road and along the Death Valley floor from Ashford Mill to 2 miles north of the Mesquite Flat Sand Dunes. In addition, Darwin Falls Trail and the Greenwater Canyon (not Greenwater Road) would be designated as day use only. No dispersed camping would be allowed in Designated Roadside Camping Corridors, as described for this alternative in section 2.4.5.
- **Carrying Capacity Limits:** As indicated in section 2.2.6, specific visitor capacity management actions (including potential use limits) would be implemented at these sites that are zoned for Directed use/High use: Aguerberry Point, Darwin Falls, Skidoo Historic Site, Keane Wonder, Mosaic Canyon, Mesquite Flat Dunes, Telescope Peak, Surprise Canyon, and Ubehebe Crater (same as alternative B) as well as Eureka Dunes, Racetrack, Corkscrew Peak, Butte Valley, Indian Pass, Titus Canyon, Cottonwood/Marble Canyons, Natural Bridge, Sidewinder Canyon and Desolation Canyon.

#### 2.4.4 Commercial Services and Special Park Uses

Listed below are the commercial services that Death Valley National Park would authorize for permit under this alternative. Non-profit groups could apply for a special use permit for the same activities. Identical limits on group size, frequency, and activity locations would apply to commercial use authorizations and non-commercial special use permits.

- Day Use Motorcycle Groups: One event per location per day and no more than 2 events per location per week. Travel restricted to backcountry roads only. Group size limited to 40 motorcycles per group, plus no more than 6 support vehicles.
- Day Use 4-wheel-drive Groups: One event per location per day and no more than 2 events per location per week. Travel restricted to existing backcountry roads only. Group size limited to 15 vehicles total.
- Day Use Hiking and Photography Groups: Allowed in both backcountry and wilderness, limited to 15 people per group and 6 support vehicles. One commercial group per day in Mosaic Canyon, Natural Bridge Canyon, and Sidewinder Canyon. Support vehicles restricted to travel on backcountry roads.
- Day Use Guided Bicycle Groups: One event per location per day. Bicycle use and support vehicles allowed on backcountry roads only, no off-road travel permitted. Group size limited to 30 bikes and no more than 6 support vehicles.
- Day Use Guided Horse and Pack Animal Trips: One event per location per day. Travel with pack animals and support vehicles restricted to backcountry roads only. Group size limited to 12 animals and no more than 6 support vehicles.
- Day Use Running Sporting Events: Allowed on Titus Canyon Road once per 90 days and West Side Road once per 30 days. Three hundred people and 20 support vehicles maximum.
- Day Use Bicycle Sporting Events: Not allowed in backcountry or wilderness.
- Day Use Guided Canyoneering Groups: One event per location per day and no more than 2 events per location per week. Group size limited to 12 people including guides.
- Day Use Guided Climbing Groups: Not allowed in wilderness.
- Overnight Motorcycle Groups: One event per location per day and no more than 2 events per location per week. Travel restricted to existing backcountry roads only. No more than 15 people and 6 vehicles total.
- Overnight 4-wheel-drive Groups: One event per location per day and no more than 2 events per location per week. Travel restricted to existing backcountry roads only. No more than 15 people and 6 vehicles total.
- Overnight Bicycle Groups: One event per location per day and travel restricted to existing backcountry roads only. No more than 15 people and 6 support vehicles.
- Overnight Backpacking / Hiking Groups: One event per location per day, and foot travel allowed in backcountry and wilderness. No more than 15 people and 6 support vehicles. One commercial group per day in Marble Canyon, Cottonwood Canyon, and Indian Pass Canyon. Support vehicles restricted to travel on backcountry roads.
- Overnight Horse and Pack Animal Groups: Travel restricted to existing backcountry roads only. No more than 15 people, 12 animals, and 6 support vehicles.
- Overnight Historic Wagon Train Events: One event per year and travel restricted to existing backcountry roads only. No more than 15 wagons/60 stock/35 people and no more than 4 support vehicles.

- Overnight Historic Equestrian Events: One event per year and travel restricted to existing backcountry roads only. No more than 75 horses and riders and 20 additional people. No more than 20 support vehicles.

#### 2.4.5 Backcountry Facilities

- Unpaved Roads: Approximately 370 miles of existing unpaved roads would be managed as backcountry exploration roads with minimal maintenance by NPS except as necessary to keep road conditions passable by high clearance four wheel drive vehicles. Approximately 260 miles of existing unpaved roads would be managed as backcountry corridor roads, including routine maintenance by NPS or other agencies to keep road conditions passable by two-wheel drive vehicles.
- Primitive Campgrounds: There are existing primitive campgrounds located at Eureka Dunes (10 existing sites) and Homestake Dry Camp (4 existing sites) that would be better defined, including delineation of 1 new group site plus three new campsites at Eureka Dunes and two new sites at Homestake Dry Camp. In addition a new 10 site campground would be developed in an existing disturbed area at Salt Wells near the intersection of West Side Road and Galena Canyon Road. At each campsite, the sites would be clearly delineated and have access to a toilet facility. Sites might or might not have picnic tables or firepits. Permits required for overnight use.
- Designated Roadside Camping Corridors (DRCC): Existing campsites would be individually evaluated and those found to be acceptable would be marked and managed as designated campsites and all other sites would be restored to natural conditions along these specific road corridors: Echo Canyon Road to Inyo Mine (4-9 sites anticipated), Hole-in-the-Wall Road (3-6 sites anticipated), Greenwater Valley Road (3-6 sites), Cottonwood Canyon Road (6-10 sites), Marble Canyon (2-4 sites), Trail Canyon Road (5-8 sites), Wood Canyon Road (3 sites), and Monarch Canyon Road (2 sites). Sites along Greenwater Valley Road would be surveyed for tortoise before selection, and signage at these sites would include information about tortoise protection. All DRCC sites would be marked with sign posts indicating the site number and number of vehicles allowed; these sites might or might not have fire pits. Sites would be located to protect sensitive resources, provide for quality visitor experiences, and to avoid natural hazards (e.g. flash floods, rock falls, etc). Designated roadside camping corridor would be established along 70 miles of existing roads and would accommodate 28 – 48 designated roadside campsites. Permits required for overnight use.
- Dispersed Roadside Camping: Approximately 665 miles of existing backcountry roads would remain open for self-directed dispersed roadside camping. Site selection would be on a first-come first served basis and visitors would be encouraged to camp in previously used campsites in order to minimize campsite proliferation and associated impacts. This is similar to the no-action alternative although there are a few new areas open for camping or closed for camping based on the description of day use restrictions and designated roadside camping corridors listed above. Permits required for overnight use.
- Trails and Trailheads: Maintain existing trails and trailheads as identified in alternative A. In addition, alternative C would formalize existing informal trailheads and routes at: Fall Canyon, Darwin Falls, Ubehebe Peak, and Cottonwood/Marble Canyons. Create new trailheads and marked routes at Death Valley Buttes, Corkscrew Peak, Indian Pass, Dante's Peak, Sidewinder Canyon, Virgin Springs, Eureka Dunes, and Desolation Canyon. If Surprise Canyon, either through the separate Surprise Canyon EIS process or pending legislation, were designated off-limits to vehicle traffic, a trailhead could be established cooperatively with the BLM at Chris Wicht's Camp. (If Surprise Canyon is designated by the EIS or legislation as open to vehicular traffic, no such trailhead would be established.) All trails and routes would generally be primitive, with a minimum amount of wayfinding aids such as posts or rock cairns. Each trailhead would include a place to park and some sort of wayfinding direction to aid visitors in accessing the trail, though the configuration and

information available at each trailhead would be highly variable. Some trailheads could also have toilet facilities as indicated elsewhere in this section. These trailheads would provide access to 65 miles of designated trails and hiking routes.

- **Backcountry Cabins:** Cabins would be evaluated for historic significance and safety concerns and over time treatment prescriptions would be developed. Volunteer stewardship activities would implement those treatment prescriptions. In addition, the NPS would formally manage on a year-round basis the cabins at Warm Springs and Butte Valley for administrative purposes. These cabins would be available to the public at times of non-administrative use on a first come, first serve basis. Before administrative use could be implemented, these cabins would require rehabilitation, in compliance with the National Historic Preservation Act and all other applicable cultural preservation laws. Until that time, the cabins would continue to be available for public use on a first-come, first-serve basis. The maximum stay limit for Warm Springs Camp, Russell's Camp, Stella's Cabin, and Geologist Cabin would be three consecutive nights. Until further evaluations are completed and other treatments prescribed, all other cabins in the backcountry would continue to be available for public use on a first come, first serve basis with a seven day stay limit. Permits would be required for all overnight cabin use. All fires in cabins would be prohibited. If the Park installs a fire ring outside a particular cabin consistent with backcountry fire ring placement in this alternative (see bullet below), fires would be permitted in the fire rings outside cabins. All cabin use would be at visitors' own risk and known safety hazards would be signed or otherwise identified in cabins (e.g. warnings about hantavirus risk). No installation of locks would be allowed. There would be a requirement that human waste be disposed of at least 400 feet from the cabin or packed out, unless there is a park-installed toilet facility.
- **Campfires:** Fires allowed in firepits in designated sites in primitive campgrounds, designated roadside camping corridor sites, outside some cabins where provided, and in fire pans in dispersed sites. No fuelwood collection would be permitted on site. All fuelwood would be subject to pest control regulations. Users would pack out ashes. Controlled propane fires would be allowed in devices designed for that purpose.
- **Signs:** New wayfinding, regulatory, and interpretive signs would be installed at many locations. Sign needs would be further evaluated and consistent graphics and wording would be used. Some of the new signs expected under this alternative include: trailhead signs would be installed at all formal trailheads; directional markers such as rock cairns or posts to aid in route finding would be installed at specific locations along Fall Canyon Trail, Sidewinder Canyon Trail, Willow Canyon Trail, Corkscrew Peak Trail, Cottonwood/Marble Loop crossover, Panamint Pass Trail and Backcountry Road Corridor (orange roads) junctions; warning signs would be installed near hazards at the upper falls of Darwin Falls, Keane Wonder/Chloride Cliffs, and Lippincott Road. In addition, interpretive signs would be installed in directed use/high use locations to enhance visitor understanding of park resources.

#### **2.4.6 Administrative Activities**

- **Overnight Visitor Use Permits:** Permits would be required for all overnight wilderness and backcountry use, including overnight use at backcountry cabins, in designated roadside camping corridors, at primitive campgrounds, in wilderness areas, and for dispersed roadside camping. These mandatory permits would be free for the first three years, and then the park would evaluate its permit process to determine whether or not a fee-based system is feasible under this plan. (The permit implementation strategy is described in detail in Appendix F). The permit would not be a reservation for a particular area; use of backcountry and wilderness areas would still be on a first-come, first served basis. The mandatory permit would, however, include a proposed itinerary disclosure to aid in search and rescue, as well as to inform visitor use statistics. Permit terms and conditions would apply.

Permits would be issued through multiple venues, including via the internet. If after three years fees were determined feasible for this permit system, fees would also be required for the Emigrant, Wildrose, Thorndike, and Mahogany Flats developed campgrounds. The exact fee would be determined based on NPS policy and comparability study.

- Day use permits would be required for all private canyoneering trips due to the limited routes available, the increasing popularity of the sport, and the challenging conditions that Death Valley's canyons present. Depending on patterns of visitor use, permits could be adapted to allocate routes on a per day, per party basis. The permit system would be phased in and would include online access to permits. Permits may be free or for a nominal cost, depending on the requirements for the permit system selected. All permits would include terms and conditions to require clean and safe canyoneering practices, environmental sensitivity, and respect for other park visitors.
- Administrative Camps: Warm Springs Cabin and associated buildings would be re-purposed as an administrative camp with bunkhouses and kitchen facilities to host research groups, education groups, work crews, volunteers, artists in residence, and other administrative uses on a year round reservation system. The three cabins in Butte Valley would be auxiliary administrative sites managed under the same reservation system but would also be available for public use on a first-come, first-serve basis when there are no reservations. All cabins would require rehabilitation, in compliance with the National Historic Preservation Act and all other applicable cultural preservation laws, before administrative use could be implemented. Until that time, the cabins would continue to be available for public use on a first-come, first-serve basis.
- Campground Hosts: Volunteer campground hosts would be sought for primitive campgrounds during high use seasons. The highest priority for siting a host would be Eureka Dunes.

#### **2.4.7 Costs**

The cost of implementing the maximum action alternative was generated by combining FY2011 budget analysis with budget projections of the specific management actions outlined in the alternative. Each division of Death Valley National Park generated this budget analysis by identifying those program areas and costs that intersected directly with backcountry and wilderness management. Since the maximum action alternative outlines some actions that require one-time project and capital expenditures, the data was further refined to provide both an estimate of the one-time expenses and the cyclic or annual expenses. The estimated cost of implementing the maximum action alternative would be:

- One-time capital and project expenses: \$746,121
- Cyclic or annual expenses: \$1,525,468
- Total expenses: \$2,271,589

### **2.5 ALTERNATIVE D: FOCUSED ACTION ALTERNATIVE**

#### **2.5.1 Description of the Alternative**

This wilderness and backcountry stewardship alternative would recognize and protect the premier wilderness and backcountry resource values of the entire park while providing for a wider range of visitor experiences and opportunities in specific locations. Some areas along paved and unpaved maintained road corridors would be managed for those visitors who want to experience the wilderness and backcountry but may need additional services, facilities, and/or direction or who may lack the specialized equipment (e.g. high ground clearance 4-wheel-drive vehicles) to access other areas of the park. The majority of the wilderness,

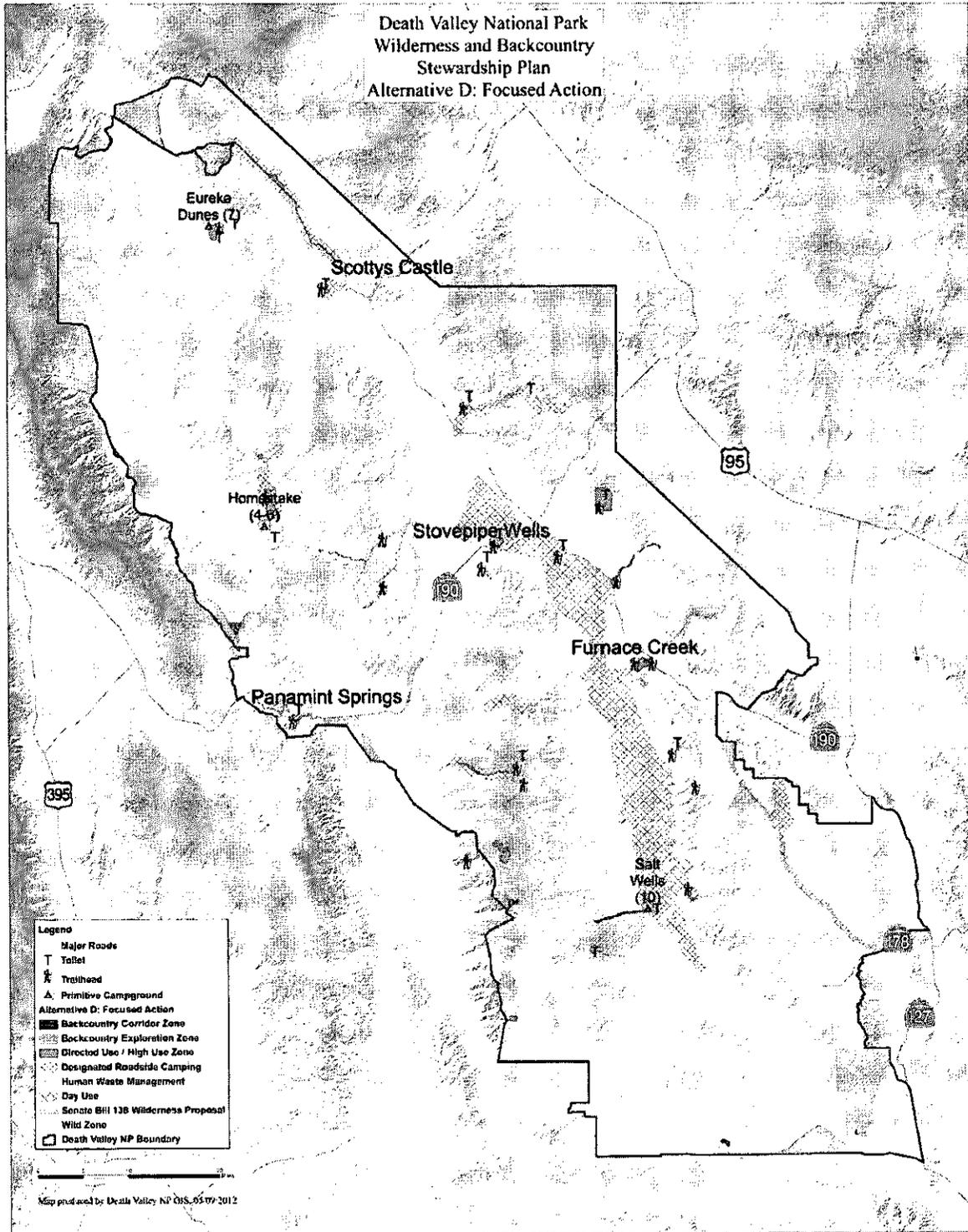
## CHAPTER TWO--ALTERNATIVES

backcountry, and backcountry roads would be managed for self-directed exploration as well as self-reliant travel.

### **2.5.2 Zone Descriptions**

In this alternative the Wild Zone would be 3,094,500 acres, the Backcountry Exploration Zone would be 202,500 acres, the Backcountry Corridor Zone would be 6,000 acres, and the High Use/Directed Use zone would be 17,000 acres. A map of this alternative is presented in figure 7.

Figure 7. Map of Alternative D: Focused Action



### 2.5.3 Wilderness and Backcountry Management

- **Wilderness Character:** All four qualities would be valued and protected. This alternative would enhance naturalness and undeveloped character by emphasizing removal of exotic species and implementation of wilderness restoration projects, though such actions may temporarily degrade the untrammeled quality of wilderness. Similar to alternative C, it also enhances solitude for those visitors who seek it by providing for a wider variety of visitor experiences and facilities along frontcountry and easily accessible backcountry locations for those visitors who are not looking for wilderness, leaving the wilderness for the use of self-reliant and well-prepared wilderness users. The undeveloped quality would remain largely unchanged in wilderness but there would be a limited number of new developments in backcountry sites adjacent to wilderness.
- **Backcountry Opportunities:** This alternative would provide for a moderate number of additional designated visitor use locations by formalizing existing visitor use patterns and anticipating future demands along the primary backcountry access routes. New facilities would be developed in non-wilderness at the most concentrated visitor use areas to accommodate sustainable visitor use and protect park resources from direct and indirect visitor impacts. The new facilities and NPS direction would offer a more structured experience for visitors who want it while maintaining abundant opportunities for visitors who want a remote and self-directed experience.
- **Wilderness Dispersed Overnight Use Group Size Limits:** 12 individuals per party per night.
- **Backcountry Roads Dispersed Overnight Use Group Size:** 12 individuals and 4 vehicles per party per night.
- **Human Waste Disposal:** A requirement to pack out solid waste and toilet paper using a sanitary system would be implemented during high use seasons as needed along the Cottonwood Canyon and Marble Canyon Loop, including both the roads and hiking route. New low maintenance toilets would be added at non-wilderness sites at these locations: Mosaic Canyon Trailhead, Darwin Falls Trailhead, Keane Wonder Mine Trailhead, Salt Wells Campground, Leadfield historic site, and near the Ubehebe Crater parking lot. The park would replace or upgrade existing toilet facilities at Homestake Dry Camp and Eureka Dunes as well as add an additional toilet to the Eureka Dunes area. In addition, a new toilet would be installed or the existing septic system rehabilitated at Warm Springs Camp and the existing outhouses would be replaced with new toilets or a pack out toilet option would be instituted at each of the Butte Valley cabins. The site placement, toilet type (e.g. composting, solar dehydration, traditional vault, etc.), and capacity would be determined later based on engineering studies and anticipated use conditions.
- **Visitor Use Restrictions:** Dispersed camping would not be allowed within 1 mile of all paved roads plus the following graded dirt roads: Titus Canyon, West Side Road, Wildrose, Skidoo Mine, Aguerberry Point Road, Mosaic Canyon, Cottonwood Canyon Road (first 8 miles), Grotto Canyon Road, Keane Wonder Mine Road, Salt Creek Road, Historic Stovepipe Wells Road, Racetrack Road from Teakettle Junction to Homestake Dry Camp, Natural Bridge Canyon, and Desolation Canyon, Big Pine Road and along the Death Valley floor from Ashford Mill to 2 miles north of the Mesquite Flat Sand Dunes. In addition, Darwin Falls Trail and the Greenwater Canyon (not Greenwater Road) would be designated as day use only. No dispersed camping would be allowed in Designated Roadside Camping Corridors, as described for this alternative in section 2.5.5.
- **Carrying Capacity Limits:** As indicated in section 2.2.6, specific visitor capacity management actions (including potential use limits) would be implemented at these sites that are zoned for managed use/high use: Aguerberry Point, Eureka Dunes, Skidoo Historic Site, Keane Wonder, Mosaic Canyon, Mesquite Flat Dunes, Telescope Peak, Surprise Canyon, and Ubehebe Crater (same as alternative B) as well as Racetrack Playa, Butte Valley, Indian Pass, Titus Canyon, Cottonwood Canyon, Sidewinder Canyon, and Natural Bridge Canyon.

### 2.5.4 Commercial Services and Special Park Uses

Listed below are the commercial services that Death Valley National Park will authorize for permit under this alternative. Non-profit groups may apply for a special use permit for the same activities. Identical limits on group size, frequency, and activity locations apply to commercial use authorizations and non-commercial special use permits.

- Day Use Motorcycle Groups: One event per location per day and no more than 2 events per location per week. Travel restricted to backcountry roads only. Group size limited to 20 motorcycles per group, plus no more than 4 support vehicles.
- Day Use 4-wheel-drive Groups: One event per location per day and no more than 2 events per location per week. Travel restricted to existing backcountry roads only. Group size limited to 12 vehicles total.
- Day Use Hiking and Photography Groups: Allowed in both backcountry and wilderness, limited to 12 people per group and 4 support vehicles. One commercial group per day in Mosaic Canyon, Natural Bridge Canyon, and Sidewinder Canyon. Support vehicles restricted to travel on backcountry roads.
- Day Use Guided Bicycle Groups: One event per location per day. Bicycle use and support vehicles allowed on backcountry roads only, no off-road travel permitted. Group size limited to 25 bikes and no more than 4 support vehicles.
- Day Use Guided Horse and Pack Animal Trips: One event per location per day. Travel with pack animals and support vehicles restricted to backcountry roads only. Group size limited to 8 animals and no more than 4 support vehicles.
- Day Use Running Sporting Events: Allowed on Titus Canyon Road once per 90 days, and on West Side Road once per 30 days. Two hundred people and 15 support vehicles maximum.
- Day Use Bicycle Sporting Events: Not allowed in backcountry or wilderness.
- Day Use Guided Canyoneering Groups: Not allowed in wilderness.
- Day Use Guided Climbing Groups: Not allowed in wilderness.
- Guided Overnight Motorcycle Groups: One event per location per day and no more than 2 events per location per week. Travel restricted to existing backcountry roads only. No more than 12 people and 4 vehicles total.
- Guided Overnight 4-wheel-drive Groups: One event per location per day and no more than 2 events per location per week. Travel restricted to existing backcountry roads only. No more than 12 people and 4 vehicles total.
- Guided Overnight Bicycle Groups: One event per location per day and travel restricted to existing backcountry roads only. No more than 12 people and 4 support vehicles.
- Guided Overnight Backpacking / Hiking Groups: Foot travel allowed in backcountry and wilderness. No more than 12 people and 4 support vehicles. One commercial group per day in Cottonwood Canyon, Marble Canyon, and Indian Canyon. Support vehicles restricted to travel on backcountry roads.
- Guided Overnight Horse and Pack Animal Groups: Travel restricted to existing backcountry roads only. No more than 12 people, 8 animals, and 4 support vehicles.
- Overnight Historic Wagon Train Events: One event per year and travel restricted to existing backcountry roads only. No more than 12 wagons/50 stock and no more than 3 support vehicles.
- Overnight Historic Equestrian Events: One event per year and travel restricted to existing backcountry roads only. No more than 50 horses and riders and 15 additional people. No more than 15 support vehicles.

### 2.5.5 Backcountry Facilities

- **Unpaved Roads:** Approximately 540 miles of existing unpaved roads would be managed as backcountry exploration roads with minimal maintenance by NPS except as necessary to keep road conditions passable by high clearance four wheel drive vehicles. Approximately 230 miles of existing unpaved roads would be managed as backcountry corridor roads, including routine maintenance by NPS or other agencies to keep road conditions passable by two-wheel drive vehicles.
- **Primitive campgrounds:** There are existing primitive campgrounds located at Eureka Dunes (10 existing sites) and Homestake Dry Camp (4 existing sites) that would be better defined, including delineation of 1 group site plus three new campsites at Eureka Dunes and two new sites at Homestake Dry Camp. In addition a new 10 site primitive campground would be developed in an existing disturbed area at Salt Wells near the intersection of West Side Road and Galena Canyon Road. At each campsite, the sites would be clearly delineated and have access to a toilet facility. Sites might or might not have picnic tables or firepits. Permits required for overnight use.
- **Designated Roadside Camping Corridors:** Existing campsites would be individually evaluated and those found to be acceptable would be marked and managed as designated campsites and all other sites would be restored to natural conditions along these specific road corridors: Echo Canyon Road to Inyo Mine (4-9 sites anticipated), Hole-in-the-Wall Road (3-6 sites anticipated), Greenwater Valley Road (3-6 sites), Cottonwood Canyon Road (6-10 sites), and Marble Canyon (2-4 sites). Sites along Greenwater Valley Road would be surveyed for tortoise before selection, and signage at these sites would include information about tortoise protection. All DRCC campsites would be marked with sign post indicating site number and number of vehicles allowed. Sites might or might not have firepits. Sites would be located to protect sensitive resources, provide for quality visitor experiences, and to avoid natural hazards (e.g. flash floods, rock falls, etc). Designated roadside camping corridor would be established along 55 miles of existing roads and would accommodate 18-35 designated roadside campsites. Permits required for overnight use.
- **Dispersed Roadside Camping:** Approximately 695 miles of existing backcountry roads would remain open for self-directed dispersed roadside camping. Site selection would be on a first-come first served basis and visitors would be encouraged to camp in previously used campsites in order to minimize campsite proliferation and associated impacts. This is very similar to the no-action alternative although there are a few new areas open for camping or closed for camping based on the description of day use restrictions and designated roadside camping corridors listed above.
- **Trails and Trailheads:** This alternative would maintain existing trails and trailheads as identified in alternative A. In addition, alternative D would formalize existing informal trailheads and routes at: Fall Canyon, Darwin Falls, Ubehebe Peak, and Cottonwood/Marble Canyons. New trailheads and marked routes would be created at Indian Pass, Dante's Peak, Eureka Dunes, and Sidewinder Canyon. If Surprise Canyon, either through the separate Surprise Canyon EIS planning process or pending legislation, were designated off-limits to vehicle traffic, a trailhead could be established cooperatively with the BLM at Chris Wicht's Camp. (If Surprise Canyon is designated by the EIS or legislation as open to vehicular traffic, no such trailhead would be established.) All trails and routes would generally be primitive, with a minimum amount of wayfinding aids such as posts or rock cairns. Each trailhead would include a place to park and signs or posts to aid visitors in accessing the trail, though the configuration and information available at each trailhead would be highly variable. Some trailheads may also have toilet facilities as indicated elsewhere in this section. These trailheads would provide access to 55 miles of designated trails and hiking routes.
- **Backcountry Cabins:** Cabins would be evaluated for historic significance and safety concerns and over time treatment prescriptions would be developed. Volunteer stewardship activities would implement those treatment prescriptions. In addition, the NPS would formally manage on a seasonal basis during spring and autumn the cabins at Warm Springs and Butte Valley for administrative purposes. These cabins would be available to the public at times of non-administrative use on a first-come, first-serve basis. Before administrative use could be implemented, these cabins would require

rehabilitation, in compliance with the National Historic Preservation Act and all other applicable cultural preservation laws. Until that time, the cabins would continue to be available for public use on a first-come, first-serve basis. The maximum stay limit for Warm Springs Camp, Russell's Camp, Stella's Cabin, and Geologist Cabin would be three consecutive nights. Until further evaluations are completed and other treatments prescribed, all other cabins in the backcountry would continue to be available for public use on a first-come, first-serve basis with a seven day stay limit. Permits would be required for all overnight cabin use. All fires in cabins would be prohibited. If the Park installs a fire ring outside a particular cabin consistent with backcountry fire ring placement in this alternative (see bullet below), fires would be permitted in the fire rings outside cabins. All cabin use would be at visitors' own risk and known safety hazards would be signed or otherwise identified in cabins (e.g. warnings about hantavirus risk). No installation of locks would be allowed. There would be a requirement that human waste be disposed of at least 400 feet from the cabin or packed out, unless there is a park-installed toilet facility.

- **Campfire Rings:** No campfires would be allowed in wilderness. Fires would be allowed only in NPS provided fire rings in primitive campgrounds, some designated roadside camping corridor sites, outside some cabins, and some dispersed roadside sites outside of wilderness (< 50 total parkwide). No fuelwood collection would be allowed on site. All fuelwood imported to the park would be subject to pest control regulations. Users pack out ashes. No fires in visitor firepans allowed. Controlled propane fires allowed in devices designed for that purpose.
- **Signs:** New wayfinding, regulatory, and interpretive signs would be installed at a few locations. Sign needs would be further evaluated and consistent graphics and wording would be used. Some of the new signs expected under this alternative include: trailhead signs at all formal trailheads; directional markers such as rock cairns or posts to aid in route finding at specific locations along Fall Canyon Trail, Sidewinder Canyon Trail, and Cottonwood/Marble Loop crossover; road name signs at confusing junctions along backcountry road corridors (backcountry exploration roads would specifically not be signed); signs noting the beginning of designated roadside camping corridors; and warning signs near hazards at the upper falls of Darwin Falls, Keane Wonder/Chloride Cliffs, and Lippincott Road.

### 2.5.6 Administrative Activities

- **Overnight Visitor Use Permits:** Permits would be required for all overnight wilderness and some overnight backcountry use, including overnight use at backcountry cabins, in designated roadside camping corridors, at primitive campgrounds, and in wilderness areas. Permits would not be required for dispersed roadside camping. These mandatory permits would be free for the first three years, and then the park would evaluate its permit process to determine whether or not a fee-based system is feasible under this plan. (The permit implementation strategy is described in detail in Appendix F). The permit would not be a reservation for a particular area; use of backcountry and wilderness areas would still be on a first-come, first served basis. The mandatory permit would, however, include a proposed itinerary disclosure to aid in search and rescue, as well as to inform visitor use statistics. Permit terms and conditions would apply. Permits would be issued through multiple venues, including via the internet. If after three years fees were determined feasible for this permit system, fees would also be required for the Emigrant, Wildrose, Thorndike, and Mahogany Flats developed campgrounds. The exact fee would be determined based on NPS policy and comparability study.
- **Day use permits** would be required for all private canyoneering trips due to the limited routes available, the increasing popularity of the sport, and the challenging conditions that Death Valley's canyons present. Depending on patterns of visitor use, permits could be adapted to allocate routes on a per day, per party basis. The permit system would be phased in and would include online access to permits. Permits may be free or for a nominal cost, depending on the requirements for the permit

system selected. All permits would include terms and conditions to require clean and safe canyoneering practices, environmental sensitivity, and respect for other park visitors.

- **Administrative Camps:** Warm Springs Cabin and associated buildings would be re-purposed as an administrative camp with bunkhouses and kitchen facilities to host research groups, education groups, work crews, volunteers, artists in residence, and other administrative uses on a seasonal reservation system during spring and autumn, approximately 6 months per year. The three cabins in Butte Valley would be auxiliary administrative sites managed under the same reservation system but would also be available for public use on a first-come, first-serve basis when there are no reservations. All cabins would require rehabilitation, in compliance with the National Historic Preservation Act and all other applicable cultural preservation laws, before administrative use could be implemented. Until that time, the cabins would continue to be available for public use on a first-come, first-serve basis.
- **Campground Hosts:** Volunteer campground hosts would be sought for primitive campgrounds during high use seasons. The highest priority for siting a host would be Eureka Dunes.

### **2.5.7 Costs**

The cost of implementing the focused action alternative was generated by combining FY2011 budget analysis with budget projections of the specific management actions outlined in the alternative. Each division of Death Valley National Park generated this budget analysis by identifying those program areas and costs that intersected directly with backcountry and wilderness management. Since the focused action alternative outlines some actions that require one-time project and capital expenditures, the data was further refined to provide both an estimate of the one-time expenses and the cyclic or annual expenses. The estimated cost of implementing the focused action alternative would be:

- One-time capital and project expenses: \$656,276
- Cyclic or annual expenses: \$1,427,812
- Total expenses: \$2,084,088

## **2.6 MANAGEMENT ACTIONS APPLICABLE TO ALL ALTERNATIVES EXCEPT THE NO-ACTION ALTERNATIVE**

This section identifies those management actions that are common to all action alternatives (alternatives B, C, and D), but are not necessarily applicable to the no-action alternative (alternative A). These are largely administrative tasks and processes that were identified during alternative development as being needed to gain efficiency and accountability in wilderness and backcountry stewardship operations.

### **2.6.1 Stock Use**

Under all three action alternatives, overnight stock use by private groups would require a user permit to be obtained in the park visitor contact stations or online in advance of entry into the park. Overnight stock use by commercial groups would require an appropriate commercial use authorization, available through the park's office of commercial services. Stock would be limited to horses, mules, burros, llamas, and alpaca used for riding or packing. Weed free feed would be required and must be fed three days in advance of entry into the park to avoid transport of invasive weeds in the gut of the animal. Private stock groups would be allowed on the Wildrose Peak, Ubehebe Peak, and the Indian Pass Canyon, Fall Canyon and Cottonwood/Marble

Canyon hiking routes, as well as backcountry roads, but excluded in sand dunes and all other designated trails except under special use permit. For private stock groups, animals count against group size limits for wilderness areas. Commercial stock groups would be limited to backcountry roads only. Stock would be required to be controlled at all times (hobbles, pickets, highlines). Stock would not be allowed to graze on native vegetation or to camp within 100 yards of water.

### 2.6.2 Volunteer Stewardship Activities

The NPS would actively facilitate and encourage stewardship activities, particularly related to cabins, roads and trails. Volunteer opportunities would be provided for organized groups as well as individuals and families. The existing Volunteer-in-Parks program would be expanded to provide a wide range of volunteer experiences, ranging from short-term (e.g. a few hours) to long-term (work weekends, week-long, and season-long). Volunteers would be recruited using a wide variety of communication methods. Special request stewardship opportunities would be handled on a case by case basis. All stewardship activities would require appropriate safety equipment and practices.

### 2.6.3 Commercial Services and Special Park Uses

NPS *Management Policies 2006* states in section 6.4.4.:

*Wilderness-oriented commercial services that contribute to public education and visitor enjoyment of wilderness values or provide opportunities for primitive and unconfined types of recreation may be authorized if they meet the "necessary and appropriate" tests of the National Park Service Concessions Management Improvement Act of 1998 and section 4(d)(6) of the Wilderness Act (16 USC 1133(d)(5)), and if they are consistent with the wilderness management objectives contained in the park's wilderness management plan, including the application of the minimum requirement concept. Activities such as guide services for outfitted horseback, hiking, mountain climbing, or river trips and similar activities may be appropriate and may be authorized if conducted under the terms and conditions outlined in the park's wilderness management plan and/or in legislation authorizing these types of commercial uses.*

NPS *Management Policies 2006* states in section 6.4.5.:

*The National Park Service will not sponsor or issue permits for special events to be conducted in wilderness if those events are inconsistent with wilderness resources and character or if they do not require a wilderness setting to occur. Permits will not be issued in NPS wilderness areas for commercial enterprises or competitive events, including activities involving animal, foot, or watercraft races; the physical endurance of a person or animal; organized survival exercises; war games; or similar exercises.*

Under all three action alternatives, the NPS would develop a framework for the administration of commercial services and special park uses in wilderness and backcountry areas of the park. The framework includes the extent necessary determination for proposed commercial activities in wilderness (Appendix J), terms and conditions of use, user capacity analysis for popular locations, cost recovery, and the park's internal permit request evaluation process.

Wireless communication towers are a specific category of special park uses that is addressed here due to their increasing prevalence and the reasonably foreseeable future demand for these facilities. New wireless communication towers are not appropriate in wilderness as they are permanent installations, which are prohibited in section 4(C) of the Wilderness Act. Where such structures are proposed for installation in non-

wilderness backcountry lands, the proposal would be evaluated for environmental impacts as provided for in the National Environmental Policy Act, including cumulative impacts on wilderness character. In general, any wireless communication towers should be sited to minimize environmental impact, optimize access for maintenance, be painted or designed to blend in to the landscape, be low in stature, and be as unobtrusive as possible. Such considerations would be included in the environmental impact analysis, as would any policy and procedures in place at the time of application. Applications for wireless communication towers in frontcountry developed areas would be prioritized for review over applications for these facilities in backcountry areas.

#### **2.6.4 Visitor Information and Education**

NPS *Management Policies 2006* states in section 6.4.2.:

*In the context of interpretive and educational planning, national park system units with wilderness resources will (1) operate public education programs designed to promote and perpetuate public awareness of and appreciation for wilderness character, resources, and ethics while providing for acceptable use limits; (2) focus on fostering an understanding of the concept of wilderness that includes respect for the resource, willingness to exercise self-restraint in demanding access to it, and an ability to adhere to appropriate, minimum-impact techniques; and (3) encourage the public to use and accept wilderness on its own terms—that is, the acceptance of an undeveloped, primitive environment and the assumption of the potential risks and responsibilities involved in using and enjoying wilderness areas. NPS interpretive plans and programs for wilderness parks will address the primary interpretive themes for wilderness. Education is among the most effective tools for dealing with wilderness use and management problems and should generally be applied before more restrictive management tools.*

To fulfill this policy requirement, under all three action alternatives Death Valley National Park would formally adopt and emphasize Leave No Trace® and Tread Lightly! ® for both internal and external audiences (park visitors, special park use permittees, work crews, park partners, etc.). A variety of educational messages and delivery methods would be used to achieve desired outcomes as described in the “Death Valley National Park Wilderness and Backcountry Education Strategy” (Appendix I).

#### **2.6.5 Aviation**

Air tours would be managed as prescribed in the Air Tour Management Plan, which is undergoing environmental review in a parallel planning process. The current interim operating authority has a maximum of no more than 67 air tours per year.

Military overflight issues are legislatively outside the scope of this planning effort but NPS would continue to work cooperatively with Department of Defense managers to resolve problems.

Private airplane use would continue to be managed by Federal Aviation Administration (FAA) but the NPS will continue to work cooperatively with FAA to resolve problems. No additional backcountry airstrips would be constructed in the park under this plan.

## 2.6.6 Scientific Activities in Wilderness

NPS *Management Policies 2006* 6.3.6 states that:

*The statutory purposes of wilderness include scientific activities, and these activities are encouraged and permitted when consistent with the Service's responsibilities to preserve and manage wilderness. The National Park Service has a responsibility to support appropriate scientific activities in wilderness and to use science to improve wilderness management. The Service recognizes that wilderness can and should serve as an important resource for long-term research into and study and observation of ecological processes and the impact of humans on these ecosystems. The National Park Service further recognizes that appropriate scientific activities may be critical to the long-term preservation of wilderness. Scientific activities are to be encouraged in wilderness. Even those scientific activities (including inventory, monitoring, and research) that involve a potential impact to wilderness resources or values (including access, ground disturbance, use of equipment, and animal welfare) should be allowed when the benefits of what can be learned outweigh the impacts on wilderness resources or values. However, all such activities must also be evaluated using the minimum requirement concept and include documented compliance that assesses impacts against benefits to wilderness. This process should ensure that the activity is appropriate and uses the minimum tool required to accomplish project objectives.*

Death Valley is a world renowned research site for meteorological study, earth sciences, quaternary studies, ecology, paleontology, archeology, and other disciplines and subdisciplines. The extreme aridity, extreme heat, diurnal and seasonal temperature fluctuations, complex geological processes, and extreme environmental gradients provide a unique location to study some of earth's most fundamental natural processes. The long history of human interactions in this dynamic environment and the preservation of artifacts provided for by the remoteness and extremely dry climate also provide unique research opportunities in anthropology.

In recognition of the importance of research in Death Valley, the continuation of such research efforts is encouraged in all three action alternatives. To facilitate research while providing for the protection of wilderness character, park resources, and visitor experiences, the park would adopt a framework for evaluating research and science activities in wilderness. The criteria applied to research proposed in wilderness would include an evaluation using the minimum requirement concept and would also include documented compliance that assesses impacts against benefits to wilderness to ensure that the activity is appropriate and uses the minimum tool required to accomplish the research objectives. The complete "Framework for Evaluating Research and Science Activities in Death Valley National Park Wilderness" can be found in Appendix H.

## 2.6.7 Resource Management

Regarding natural resources management in wilderness, NPS *Management Policies 2006* section 6.3.7 states:

*The principle of non-degradation will be applied to wilderness management, and each wilderness area's condition will be measured and assessed against its own unimpaired standard. Natural processes will be allowed, insofar as possible, to shape and control wilderness ecosystems. Management should seek to sustain the natural distribution, numbers, population composition, and interaction of indigenous species. Management intervention should only be undertaken to the extent necessary to correct past mistakes, the impacts of human use, and influences originating outside of wilderness boundaries. Management actions, including the restoration of extirpated native species, the alteration of natural fire regimes, the control of invasive alien species, the management of endangered species, and the protection of air and water quality, should be attempted only when the knowledge and tools exist to accomplish clearly articulated goals.*

## CHAPTER TWO--ALTERNATIVES

Regarding cultural resources management in wilderness, NPS *Management Policies 2006* section 6.3.8 states:

*Cultural resources that have been included within wilderness will be protected and maintained according to the pertinent laws and policies governing cultural resources using management methods that are consistent with the preservation of wilderness character and values. These laws include the Antiquities Act and the Historic Sites, Buildings and Antiquities Act, as well as subsequent historic preservation legislation, including the National Historic Preservation Act, the Archaeological Resources Protection Act, and the Native American Graves Protection and Repatriation Act. The Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation provides direction for protection and maintenance.*

These directives apply to all alternatives, including the no-action alternative and the three action alternatives. In addition, the three action alternatives would also adopt the resource management related actions and guidelines provided in the appendices to this Plan, which would serve to preserve all qualities of wilderness character consistent with the park's General Management Plan and California Desert Protection Act, and, provides a crosswalk between ongoing resource management activities and the *Wilderness Character Monitoring Program* described in Appendix G.

Also under all three action alternatives, the NPS would seek to restore the desired conditions specific to wilderness character. Some of these actions would include:

- Removal of non-historic debris, including the removal of non-functioning and abandoned utility and research installations, remains of motorized vehicles and airplane crashes, abandoned property, and other similar debris for the purpose of preserving wilderness character. Before this project would proceed at any site, the park would ensure that cultural resources (i.e. archeological sites, historic trails and routes, cultural landscapes, historic structures, and ethnographic resources) are protected and maintained according to the pertinent laws and policies governing cultural resources using management methods that are consistent with the preservation of wilderness character and values. Cultural resources would be managed according to existing laws, policies, and ongoing inventory and treatment programs. Cultural resources listed or eligible for listing in the national register would be managed in accordance with *The Secretary of the Interior's Standards and Guidelines*, which set forth standards for the treatment of historic properties and contain standards for preservation, rehabilitation, restoration, and reconstruction, in accordance with the National Historic Preservation Act. Non-historic debris would be prioritized for removal based on the criteria and process outlined in Appendix O. Removal of any debris that may be of military origin would be coordinated with the Department of Defense.
- Removal of non-historic motor vehicle routes using techniques specific to the route but typically involving raking of existing vehicle tracks, the creation of a natural barrier to off-road travel (e.g. boulders) if possible, installation of vertical and horizontal mulch, breaking up compacted soil to encourage plant establishment, and actively or passively restoring native plants and contours to the route.
- Restoration of sheet flow at Racetrack Playa. The Racetrack ditch was installed in 1968 by Death Valley National Monument staff as a barrier to vehicular trespass on the Racetrack Playa. This installation was accomplished at the same time that the old road traversing the Racetrack Playa was relocated to the west of the playa for purposes of geologic restoration. The ditch was re-dug every 3-4 years until 1990, when it was recognized that the ditch interrupted natural hydrologic processes. The ditch is slowly being reclaimed by natural infilling, but it is being done mostly at the expense of the playa side. Playa sediments are being eroded through the numerous breaches, and are slowly filling the ditch. There are a few breaches on the upslope side (road side) of the ditch, and the same processes are at work filling the ditch with upland sediment. This process of natural breaching of the upslope levee coupled with ditch-filling sediment delivery is prevented along most of the ditch by the

below-grade and bermed Racetrack Road. If flow is restored across the road it would accelerate the natural reclamation of the ditch through the delivery of levee-breaching sediment-laden storm flows. Because of the diffuse and braided runoff patterns flowing easterly from the Last Chance Range, common methods of runoff conveyance (culverts, Arizona crossings, etc.) would not achieve the goal of restoring flow across the Racetrack Road. The hydrologically preferred method would be to return the road to the natural grade, which would restore functionality of the distributary drainage systems. In order to accomplish this, the berms and unnatural sediment accumulations would be pulled into the roadway by mechanical means to restore the grade for a total distance of 3.0 miles. The proposed action would result in additional disturbance of less than six feet on either side of the existing roadway. Larger plants in this footprint of disturbance, such as creosotes, would be left in place. The roadway for this 3.0-mile section would be maintained after the proposed action to the level of the park's 4-wheel-drive road maintenance standards, in order to provide for 4-wheel-drive vehicle passage while maintaining the natural grade necessary to ensure sheet flow onto the Racetrack Playa. The ditch would be strategically breached at intervals by hand crews under supervision of the park hydrologist and an archeological monitor, in order to encourage flow to the Racetrack Playa while protecting historic and pre-historic resources. Since the desired future condition for restoration of hydrologic function involves an elimination of the road berm and ditch that was created to discourage illegal vehicle trespass on the playa, the proposed action must also include a strategy for preventing vehicle trespass. To prevent vehicle trespass a cable fence would be installed along the 2.5 miles of the Racetrack Road closest to the playa. The fence would be comprised of a one-inch steel cable strung through holes drilled near the tops of eight-inch diameter wooden posts, with tensioners employed to keep the cable taut. The posts would be six feet long, with 24-32 inches of the post above ground and the remainder buried. Post spacing would be 15 feet. The fence would be installed as close as possible to the playa-side edge of the roadway after it is restored to natural grade, in order to mitigate impacts to viewshed and to wilderness character, and avoid impacts to archeological resources. Before this project would proceed in any phase, the park would conduct an archeological survey of the proposed project area and coordinate with the Tribal Historic Preservation Officer and the State Historic Preservation Officer to ensure that any historic or prehistoric resources are not adversely affected.

- Removal of non-historic artificial wildlife watering devices that interfere with natural flows or wildlife interactions. Devices were installed to supplement bird populations and to mitigate negative effects of management actions on bighorn sheep populations, or to supplement wildlife populations for hunting. All devices were installed on former Bureau of Land Management lands in cooperation with California Department of Fish and Game and were transferred to NPS through passage of the California Desert Protection Act in 1994. There are five large artificial watering devices (guzzlers), four in the north end of the park and one near Pyramid Peak; and 3 known bird devices. Two of the five big-game guzzlers are non-functional; the status of the bird guzzlers would be systematically assessed under all action alternatives. Each of the devices, including the big-game guzzlers, would be inspected by a team of NPS resources management specialists and assessed as to the functionality and necessity of the device. Where devices are no longer functional or where they are determined to be interfering with natural spring flows or wildlife interactions, the park's wilderness coordinator would work in coordination with the park hydrologist and park wildlife biologist to develop a removal plan that would remove the unnatural components to the extent possible and restore natural conditions to the site.
- Restoration of desert springs that have been altered by modern human activities by re-contouring the land surface to natural contours, removal of non-native vegetation, and removal of unnatural impoundments or pipes used to concentrate flows for human use. Some of these spring alterations may be associated with historic activities (mining, ranching, traditional Indian use). Such actions would be undertaken at the direction of the NPS natural and cultural specialists but may be conducted by the Timbisha as part of their traditional cultural practices or by park cooperators.

This Wilderness and Backcountry Stewardship Plan also supports the actions to restore natural conditions found in other planning documents, including the *Death Valley National Park General Management Plan* (NPS 2002), *Wildland Fire Management Plan* (NPS 2009), and “Exotic Vegetation Management Plan” (in draft).

### 2.6.8 Specialized Recreation in Wilderness

NPS *Management Policies 2006* states in chapter 8:

*The National Park Service will manage recreational activities according to the criteria listed in sections 8.1 and 8.2 (and 6.4 in wilderness areas). Examples of the broad range of recreational activities that take place in parks include, but are not limited to, boating, camping, bicycling, fishing, hiking, horseback riding and packing, outdoor sports, picnicking, scuba diving, cross-country skiing, caving, mountain and rock climbing, earth caching, and swimming. Many of these activities support the federal policy of promoting the health and personal fitness of the general public, as set forth in Executive Order 13266. However, not all of these activities will be appropriate or allowable in all parks; that determination must be made on the basis of park-specific planning.*

*All proposals for park uses will be evaluated for: 1) consistency with applicable laws, executive orders, regulations, and policies; 2) consistency with existing plans for public use and resource management; 3) actual and potential effects on park resources and values; 4) total costs to the Service; and 5) whether the public interest will be served.*

Many types of recreational use commonly associated with wilderness and backcountry lands are addressed in detail under the descriptions of the zones and alternatives. The discussion in this section focused on those recreational activities not previously discussed in detail that were identified during scoping.

Sandboarding is the use of specialized or improvised equipment to slide down sand dunes. It is an intense activity that has focused impacts on the dune surfaces. There are five dune systems at Death Valley National Park: Eureka, Mesquite Flat, Panamint, Saline Valley, and Ibex. Mesquite Flat is the only dune system easily accessible from a paved road, and it often experiences high visitor use. Sandboarding has long been prohibited in the Eureka Dunes due to the potential for impacts to rare and endangered plant species including the Eureka dune grass, Eureka Valley evening primrose and shining milkvetch. The shining milkvetch is also found at the Panamint Dunes. The Ibex Dunes is habitat for the Death Valley sandpaper plant. For the protection of these rare plants and wilderness character, sandboarding would be prohibited in the Eureka Dunes, Ibex, and Panamint dune systems.

Peak summiting is a long-standing pursuit in the park, popularized by the Sierra Club Desert Peaks Section (DPS) list of 99 desert peaks, and climbing books such as Walt Wheelock's *Desert Peak Guides Part 1 and Part 2*, and Andy Zdon's *Desert Summits*. Nineteen peaks on the DPS list and an additional 31 peaks mentioned in the Zdon book are located within the park. These 50 peaks receive the most attention from climbers and currently have registers where climbers record their names and short messages. Such peak registers are a tradition of many mountaineering organizations and were installed prior to the establishment of the area as wilderness. These registers also have value to search and rescue operations as well as in documenting visitor use of specific areas. For these reasons, the existing registers at these 50 peaks will remain. However, no new registers will be allowed to be installed at additional locations as such registers are an installation and therefore are not appropriate in wilderness. Any registers in locations not mentioned above will be removed.

Long distance backpacking in Death Valley presents logistical challenges due to the limited access to natural and reliable water supplies. For this reason, people who pursue multi-day routes across the park often cache

drinking water along the route in order to resupply during the expedition. Such water caches will be allowed subject to the following requirements:

- Water caches are an extreme measure and should only be used when there is no other alternative (e.g. resupply at road crossings, carry enough water for the trip, plan a route to follow perennial natural water sources, etc.).
- All water caches must be transportable using non-motorized, non-mechanized methods (e.g. hikers must transport the water either by pack stock or by backpacking)
- All water caches are limited to 30 days duration from the time the water is initially cached until it is consumed and the containers removed.
- Caches may not involve digging or any disturbance to natural or cultural resources.
- Caches pose specific health risks including water contamination and unexpected loss of the cache (due to weather, wildlife, vandalism, etc.). All visitors who chose to cache water do so at their own risk.
- All proposed caches must be identified at the time of the overnight visitor use permit request, including cache locations, volumes to be cached, and the dates the cache will be left and when it will be removed.

The park does not have extensive cave systems but cave passages do exist and some are used for recreational caving. All cave passages located totally within the surface wilderness boundary and all caves that have entrances within wilderness but contain passages that may extend outside the surface wilderness boundary will be managed as wilderness. Caves that have multiple entrances located both within and exterior to the surface wilderness boundary will be managed in keeping with the surface boundary. This action is common to all alternatives as the wilderness boundary does not vary by alternative.

Climbing and canyoneering are both legitimate recreational pursuits, but there are limitations on where they may be appropriate and under what conditions. It is anticipated that Servicewide guidance on this issue will be forthcoming. In its absence, the park will adopt the following restrictions in all three action alternatives. No new climbing hardware may be left in a fixed location; however, if an existing bolt or other hardware is unsafe, it may be replaced. Intensively bolted routes are not appropriate in wilderness. The physical altering of rock surfaces such as chiseling or the intentional removal of lichens or plants, glue reinforcement of existing holds, and gluing of new holds is prohibited. The use of motorized drills is prohibited within wilderness and rock climbing is not allowed within 200 yards of an archeological or cultural site.

## **2.7 MANAGEMENT ACTIONS COMMON TO ALL ALTERNATIVES INCLUDING THE NO-ACTION ALTERNATIVE**

### **2.7.1 Grazing**

Grazing at Hunter Mountain, the last remaining open allotment in the park, will be permanently retired as provided for in the *General Management Plan* (NPS 2002). The allotment is currently 86,400 acres within the park and is grazed by cattle on a seasonal basis. The allotment will be permanently retired with either a willing seller scenario or after a period of 5 years non-use. Upon retirement, all associated range improvements (e.g. fences, pipelines, water tanks, corrals, cabin, etc.) will be evaluated for historical significance and those determined to be historic will be treated according to the NPS standards for cultural resources. Those that are determined to be non-historic will be removed and the area restored to meet wilderness character values.

## **2.7.2 Rules and Restrictions Established by Superintendent's Compendium**

In addition to the specific visitor use restrictions identified under each alternative, all alternatives are subject to the rules and restrictions established annually by the Superintendent's Compendium. The Compendium is established in accordance with federal regulations and the delegated authority provided in Title 36 Code of Federal Regulations, Chapter 1, Parts 1-7, authorized by Title 16 United States Code, Section 3. Such provisions are established for the proper management, protection, government and public use of those portions of Death Valley National Park under the jurisdiction of the National Park Service. The compendium routinely addresses designations, closures, permit requirements and other restrictions imposed under this discretionary authority. Of particular relevance to this Wilderness and Backcountry Stewardship Plan are the following restrictions (not already addressed in the description of each alternative):

- cave closures and mine closures
- no viewing of wildlife with artificial lights
- transportation of weapons, traps, etc. allowed with certain restrictions
- no camping on Eureka Dunes or one mile from several listed mine sites
- no pets in wilderness
- no smoking while hiking or riding in wilderness
- geocaching not allowed

## **2.8 SELECTION OF ALTERNATIVES**

### **2.8.1 Selection of Agency Preferred Alternative**

After review of public comments regarding the conceptual draft alternatives and following completion of impact analysis (Chapter 4 of this document), the park planning team and cooperators ranked each of the four alternatives relative to each other in how well they exemplified the following statements:

- Meets goals identified in chapter 1
- Meets purpose and need described in chapter 1
- Minimizes negative impacts to park resources and visitors
- Maximizes positive impacts to park resources and visitors
- Is feasible to implement within 20 years
- Anticipates future needs
- Addresses existing visitor issues identified in scoping
- Addresses existing resource issues identified in scoping
- Addresses existing administrative issues identified in scoping

Based on this analysis, the planning team recommended Alternative D: Focused Action as the agency's preferred alternative. The Superintendent concurred with the selection and alternative D is noted as such throughout this document.

### **2.8.2 Selection of Environmentally Preferred Alternative**

The environmentally preferred alternative is the alternative that will best promote the purposes of the National Environmental Policy Act (NEPA), as expressed in section 101 of NEPA. This alternative will satisfy the following requirements:

## CHAPTER TWO—ALTERNATIVES

- Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
- Assure for all generations safe, healthful, productive, and aesthetically and culturally pleasing surroundings;
- Attain the widest range of beneficial uses of the environment without degradation, risk of health or safety, or other undesirable or unintended consequences;
- Preserve important historic, cultural, and natural aspects of our national heritage and maintain, wherever possible, an environment that supports diversity and variety of individual choice;
- Achieve a balance between population and resource use that will permit high standards of living and a wide sharing of life's amenities; and,
- Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

Alternative D is the environmentally preferable alternative because overall it would best meet the requirements in section 101 of NEPA. All three action alternatives are an improvement upon the no-action alternative for realizing the requirements above, but alternative D best achieves a balance between visitor use and resource preservation.

## 2.9 ALTERNATIVES CONSIDERED BUT DISMISSED

In establishing the alternatives described above, the planning team took a very deliberate approach to define a reasonable range of alternatives while still meeting the park's legal requirements as established in the Wilderness Act and the California Desert Protection Act. Below are concepts proposed during public scoping that were discussed specifically during alternative development but were ultimately not included in the alternatives for the reasons discussed below each one.

### 2.9.1 Manage Backcountry Lands as De Facto Wilderness

Congress has the authority to designate wilderness, the National Park Service does not. Neither does the NPS have the authority to "un-designate" wilderness. Thus the designation of wilderness and the un-designation of wilderness are both outside the scope of this plan.

While there are bills that have recently been introduced in Congress to add approximately 90,000 acres to the designated wilderness within Death Valley National Park and there may be other bills introduced in the future, at the time of the planning those lands were not wilderness. As such the lands were zoned for Backcountry Exploration, meaning that while they were not wilderness they would be managed in a way that provided self-reliant and self-directed visitor experiences with minimal facilities. Thus these lands would be managed in such a way that existing visitor uses may continue and that they may retain their eligibility for future wilderness designation as provided for in NPS *Management Policies 2006*, chapter 6. If additional lands are designated as wilderness in the future, they will automatically be re-zoned to the Wild Zone or the High Use/Directed Use Zone, as appropriate, and the management prescriptions will reflect that change. Where additional details need to be addressed, this Death Valley National Park Wilderness and Backcountry Stewardship Plan would be amended.

Similarly, the small area of designated "potential" wilderness identified in the California Desert Protection Act continues to exist as a utility right-of-way running between Furnace Creek and Stovepipe Wells. As potential wilderness, those lands have been legally identified for future designation as wilderness once the nonconforming use has been removed or eliminated. That area was zoned as wilderness because it is a

category of wilderness as identified in NPS *Management Policies 2006* and the Wild Zone prescription best fit the resource and visitor use conditions of the site.

### **2.9.2 Sub-zoning Wilderness to Take a More Directive Approach to Managing Visitor Use in Wilderness**

Visitor use data, the results of the “2009-2010 Visitor Use Study” (Holmes et al. 2010, appendix C), and site conditions were analyzed to determine the variety of visitor uses in wilderness and their impacts. The interdisciplinary planning team concluded that there were really only three categories: 1) locations that experienced relatively high use during some time periods (e.g. seasonally) that created unacceptable impacts primarily due to the volume of use in relation to the ability of the site to accommodate those uses, 2) locations with sensitive natural or cultural resources that were vulnerable to visitor use impacts somewhat independent of use volume, and 3) everything else. Further analysis of the situations described in #1 and #2 above found that many locations met both descriptions: there were some specific periods when the site experienced relatively high volume of public use and there were sensitive resources at the site. Thus the two situations were collapsed into one zone description called High Use/Directed Use Zone, and that zone was applied differentially between the alternatives to provide additional NPS control over visitor use and activities at those locations. Where such direction was deemed unnecessary, the lands were included in the Wild Zone.

### **2.9.3 Not Zoning Wilderness**

Similar to the description of not sub-zoning wilderness above, the planning team considered the recommendation to not zone wilderness at all. The vast majority of the wilderness does not experience heavy use and conditions are acceptable, but the site condition analysis found that there were unacceptable visitor use impacts in some wilderness locations and in other locations the impacts were still tolerable but trending toward unacceptable. Such impacts necessitate agency intervention to correct the situation and maintain wilderness character and wilderness values. Such intervention was best accomplished by zoning the problem areas in such a way that NPS managers have more tools at their disposal to intervene to correct the problem, largely relying on the adjacent backcountry lands to absorb the facilities and other management techniques not appropriate in wilderness. Thus those areas are zoned for High Use/Directed Use and as described in section 2.2.6., specific management actions are proposed at those sites to correct the conditions. However, all proposed management actions on wilderness lands within each site are consistent with the Wilderness Act and NPS *Management Policies 2006* chapter 6.3.4.1., which states that “...management zoning or other land use classifications cannot and will not diminish or reduce the maximum protection to be afforded lands with wilderness values.”

### **2.9.4 Expand the Variety of Backcountry Facilities to Promote New or Additional Visitor Experiences**

During public scoping there were some recommendations to introduce new or improved facilities (e.g. flushing restrooms, outdoor lighting, showers) to accommodate a more frontcountry visitor experience. As the focus on this planning effort is wilderness and backcountry lands, and the general management plan has already addressed the frontcountry lands, it was determined that such suggestions were largely outside the scope of this planning effort and were generally infeasible. Furthermore, the construction of such facilities did not meet the goals and objectives outlined in chapter 1.

Similarly there were suggestions to establish bicycle routes in some areas of the park to increase bicycle opportunities. As bicycles are a form of mechanical transport that is prohibited in wilderness as outlined in section 2.4(c) of the Wilderness Act, such facilities are inappropriate in most of the park. The remaining non-wilderness backcountry lands are largely associated with unpaved roads which serve to some extent as bicycle routes. Thus it was determined that we would continue to accommodate bicycle travel on approved roads and no additional changes were needed.

### 2.9.5 Improve/Pave Backcountry Roads to Improve Access or Re-open Closed Roads

The public scoping period confirmed that the over 1,000 miles of unpaved backcountry roads in the park provide a visitor experience cherished by many. The goals and objectives for this planning effort as outlined in chapter 1 reinforce the intent to generally keep existing unpaved roads available for visitor use as an appropriate visitor experience. The planning team considered the request to pave or otherwise upgrade the road condition of backcountry roads to make them consistently passable for street vehicles and the team decided that maintenance standard was unachievable with current or probable future staff and funding. Furthermore, it was not desirable due to the increase in visitor traffic would dramatically alter the visitor experience and degrade the resource conditions of the parks backcountry and wilderness lands. However, the planning team did deliberately zone the primary "thru" backcountry roads as Backcountry Corridor Zone and park staff will strive to maintain those roads such that they are passable in a high ground clearance vehicle with no special equipment or skill required for safe travel.

There were also suggestions to re-open closed backcountry roads. Most of the closed roads in the park were closed due to wilderness designation in 1994. As described in section 2.9.1, the NPS does not have the authority to un-designate wilderness or otherwise contradict the Wilderness Act which states in section 2.4.(c) that there shall be no road or use of motor vehicles. As pointed out by a few commenters, there are some short backcountry road segments that have been closed for reasons other than wilderness designation. Such closures were generally enacted due to deteriorated road conditions that were cost prohibitive to repair or due to impacts on a sensitive resource. As the conditions that created the need for the road closure persist, there is no intent to re-open such roads at this time. The remaining hundreds of miles of unpaved backcountry roads are determined to be adequate to meet the demand for backcountry road access and associated visitor experiences.

## 2.10 MITIGATION AND MONITORING

Mitigation measures are specific actions designed to reduce, minimize, or eliminate impacts of alternatives and to protect Death Valley National Park resources and visitors. Monitoring activities are actions to be implemented during or following project implementation to assess levels of impact. The following measures would be implemented under all applicable alternatives and are assumed in the analysis of effects for each alternative.

Topic	Mitigation Measure
General	Prior to construction, all proposed construction locations will be surveyed for cultural and natural resources. As appropriate, steps will be taken to adjust the site plan to avoid known impacts and project specific mitigation measures will be incorporated into the final design (e.g. plant or topsoil salvage, monitoring during construction, etc.).
Vegetation	Equipment used in road maintenance and facility construction activities will be free from exotic plant seed or propagules and reasonable efforts will be made to avoid spreading exotic

CHAPTER TWO—ALTERNATIVES

	plants during road maintenance and facility construction activities.
Physical	All new facilities will be sited so as to avoid alteration of surface water flows and to protect water quality. Care will also be taken to avoid or mitigate geologic and hydrologic hazards (e.g. rock fall, flash floods, etc) to the extent possible during site placement.
Wildlife	Any construction work in areas suitable for tortoise will implement standard mitigation procedures, including pre-work survey to avoid tortoise burrows, scheduling work outside of active tortoise season, trash containment to avoid attracting predatory ravens, and education programs for contractors conducting work in tortoise habitat.
	Signs will be installed at any campsites designated along Greenwater Valley Road to inform visitors of tortoise habitat and protective measures to take in order to avoid impacts to desert tortoises.
	For roads in desert tortoise habitat, road berms will be designed to avoid forming an impediment to tortoise travel. Design features may include lowering the berm height or providing more frequent berm cuts. Maintenance work will be avoided during periods when tortoises are active (e.g. early spring).
	Where trails/routes occur in riparian habitat they will be sited to avoid impacts to riparian species, with particular concern for the habitat requirements of special status species.
Visitor Use	Roads will be maintained in such a way that: (1) they will not discourage use of appropriate roadside campsites, and (2) they will discourage use of inappropriate campsites. Placement of road berms and rocks will generally be the technique used to direct such uses.
	All proposed changes to visitor use restrictions and permit requirements will be communicated to the public using multiple delivery methods and, where appropriate, will be phased in with notification well in advance.
Cultural Resources	Known archeological resources will be avoided to the greatest extent possible, and as appropriate, archeological surveys and or monitoring would precede any ground disturbance associated with construction or demolition, e.g., trail or road realignments and improvements and removal or construction of structures and roads.
	Historic structures and landscapes will be stabilized and preserved; surveys to identify and evaluate historic structures and landscapes for eligibility for listing in the National Register of Historic Places would be implemented. Historic structures and cultural landscapes located in wilderness will be managed according to the pertinent laws and policies governing cultural resources and wilderness, using management methods that are consistent with the preservation of wilderness character and values.
	Park staff will continue to consult and coordinate with the area tribes to address matters of mutual concern on park lands. Park staff will continue to allow tribal access to culturally important sites and traditional use areas to promote customary practices and beliefs.
	If national register-eligible or listed historic resources cannot be avoided, an appropriate mitigation strategy will be developed in consultation with affiliated tribes and the state historic preservation officer.
Facilities	Site placement, toilet type (e.g. composting, solar dehydration, traditional vault, etc) and capacity will be determined prior to construction based on engineering studies and anticipated use conditions.
	Signage will be consistent with the standards contained in the Federal Manual on Uniform Traffic Control Devices, as supplemented by the NPS Sign Manual as directed by the National Park Service Management Policy 9.2.3. Interpretive signs will meet NPS Graphics Identity Standards.
Wilderness	All proposed actions in wilderness that include the use of a 4(c) prohibited uses or have the

	potential to degrade wilderness character will be subject to minimum requirements analysis (appendix L).
--	--

## 2.11 SUMMARY AND COMPARISON OF ALTERNATIVES AND IMPACTS

This section presents several tables to summarize the differences between the alternatives as well as the impacts associated with each alternative. The spatial attributes of the alternatives were calculated using GIS and are summarized for easy reference in Table 5. Table 6 details the differences between the alternatives regarding the type, location, and amount of uses to be permitted by Commercial Use Authorizations or Special Use Permits. The impacts of the four alternatives described above were then analyzed to determine the degree of impact on park resources, visitors, and operations. The highlights of this impact analysis are presented in a narrative format by impact topic on Table 7 then summarized by alternative in a matrix format in Table 8. These are just summaries. The alternatives are described in detail elsewhere in Chapter 2 and a comprehensive analysis of impacts is presented in Chapter 4.

CHAPTER TWO—ALTERNATIVES

Table 10. Comparison of geospatial attributes for each of the action alternatives. Note these figures are rounded for readability.

Attribute	Alternative A: No Action	Alternative B: Minimum Action	Alternative C: Maximum Action	Alternative D: Focused Action
Total Miles of Backcountry Roads	1,000 miles	1,000 miles	1,000 miles	1,000 miles
Total acres of designated wilderness	3,100,000 acres	3,100,000 acres	3,100,000 acres	3,100,000 acres
Total acres of planning area (wilderness and backcountry)	3,320,000 acres	3,320,000 acres	3,320,000 acres	3,320,000 acres
Acres in High Use/Directed Use Zone	Not applicable	8,000 acres	27,000 acres	17,000 acres
Acres in Backcountry Corridor Zone	No applicable	8,000 acres	18,500 acres	6,000 acres
Acres in Backcountry Exploration Zone	Not applicable	205,000 acres	181,000 acres	202,500 acres
Acres in Wild Zone	Not applicable	3,099,000 acres	3,093,500 acres	3,094,500 acres
Miles of maintained roads	300 miles	300 miles	580 miles	410 miles
Miles of non-maintained roads	700 miles	700 miles	420 miles	590 miles
Miles of designated roadside camping corridors	Not applicable	0	70 miles	55 miles
Miles of backcountry roadside open to dispersed camping	770 miles	770 miles	665 miles	695 miles

**Table 11. User capacity limits for use by commercial groups or special use permit groups (3 pages).**

Use	Alternative A: No Action	Alternative B: Minimum Action	Alternative C: Maximum Action	Alternative D: Focused Action
<b>OVERNIGHT USES</b>				
<b>Guided Motorcycle Groups</b>	One event per location per day and travel restricted to existing backcountry roads only. No more than 15 people and 6 vehicles total.	One event per location per day and no more than 2 events per location per week. Travel restricted to existing backcountry roads only. No more than 8 people and 4 vehicles total.	One event per location per day and no more than 2 events per location per week. Travel restricted to existing backcountry roads only. No more than 15 people and 6 vehicles total.	One event per location per day and no more than 2 events per location per week. Travel restricted to existing backcountry roads only. No more than 12 people and 4 vehicles total.
<b>Guided 4-wheel-drive Groups</b>	One event per location per day and travel restricted to existing backcountry roads only. No more than 15 people and 6 vehicles total.	One event per location per day and no more than 2 events per location per week. Travel restricted to existing backcountry roads only. No more than 10 people and 3 vehicles total.	One event per location per day and no more than 2 events per location per week. Travel restricted to existing backcountry roads only. No more than 15 people and 6 vehicles total.	One event per location per day and no more than 2 events per location per week. Travel restricted to existing backcountry roads only. No more than 12 people and 4 vehicles total.
<b>Guided Bicycle Groups</b>	One event per location per day and travel restricted to existing backcountry roads only. No more than 15 people and 6 vehicles total.	One event per location per day and no more than 2 events per location per week. Travel restricted to existing backcountry roads only. No more than 10 people and 3 support vehicles.	One event per location per day and no more than 2 events per location per week. Travel restricted to existing backcountry roads only. No more than 15 people and 6 support vehicles.	One event per location per day and no more than 2 events per location per week. Travel restricted to existing backcountry roads only. No more than 12 people and 4 support vehicles.
<b>Guided Backpacking / Hiking Groups</b>	Support vehicle travel restricted to existing backcountry roads, foot travel authorized in backcountry and wilderness. No more than 15 people and 6 support vehicles total.	Foot travel allowed in backcountry and wilderness. One commercial group per day in Marble Canyon, Cottonwood Canyon, and Indian Pass Canyon. No more than 10 people and 3 support vehicles. Support vehicles restricted to travel on backcountry roads.	Foot travel allowed in backcountry and wilderness. One commercial group per day in Marble Canyon, Cottonwood Canyon, and Indian Pass Canyon. No more than 15 people and 6 support vehicles. Support vehicles restricted to travel on backcountry roads.	Foot travel allowed in backcountry and wilderness. One commercial group per day in Marble Canyon, Cottonwood Canyon, and Indian Pass Canyon. No more than 12 people and 4 support vehicles. Support vehicles restricted to travel on backcountry roads.
<b>Guided Horse and Pack Animal Groups</b>	No more than 15 people, 15 animals, and 6 support vehicles; no permits currently being issued	One event per location per day and no more than 2 events per location per week. Travel restricted to existing backcountry roads only. No more than 10 people, 6 animals, and 3 support vehicles.	One event per location per day and no more than 2 events per location per week. Travel restricted to existing backcountry roads only. No more than 15 people, 12 animals, and 6 support vehicles.	One event per location per day and no more than 2 events per location per week. Travel restricted to existing backcountry roads only. No more than 12 people, 8 animals, and 4 support vehicles.

CHAPTER TWO--ALTERNATIVES

Use	Alternative A: No Action	Alternative B: Minimum Action	Alternative C: Maximum Action	Alternative D: Focused Action
<b>Historic Wagon Train Event</b>	One event per year and travel restricted to Harry Wade Road and West Side Road only. Approximately 15 wagons and 4 support vehicles.	One event per year and travel restricted to existing backcountry roads only. No more than 5 wagons/20 stock/15 people and no more than 2 support vehicles.	One event per year and travel restricted to existing backcountry roads only. No more than 15 wagons/60 stock/35 people and no more than 4 support vehicles.	One event per year and travel restricted to existing backcountry roads only. No more than 12 wagons/50 stock and no more than 3 support vehicles.
<b>Historic Equestrian Event</b>	One event per year and travel restricted to Warm Springs/Butte Valley Road and West Side Road only. Approximately 75 horses and 80 people. Approximately 20 support vehicles.	One event per year and travel restricted to existing backcountry roads only. No more than 20 horses and riders and 5 additional people. No more than 7 support vehicles.	One event per year and travel restricted to existing backcountry roads only. No more than 75 horses and riders and 20 additional people. No more than 20 support vehicles.	One event per year and travel restricted to existing backcountry roads only. No more than 50 horses and riders and 15 additional people. No more than 15 support vehicles.
<b>DAY USE</b>				
<b>Guided Motorcycle</b>	Day Use Motorcycle Groups: One event per location per day and travel restricted to backcountry roads only. Group size limited to 40 motorcycles and 40 people per group.	One event per location per day and no more than 2 events per location per week. Travel restricted to backcountry roads only. Group size limited to 15 motorcycles per group, plus no more than 2 support vehicles.	One event per location per day and no more than 2 events per location per week. Travel restricted to backcountry roads only. Group size limited to 40 motorcycles per group, plus no more than 6 support vehicles.	One event per location per day and no more than 2 events per location per week. Travel restricted to backcountry roads only. Group size limited to 20 motorcycles per group, plus no more than 4 support vehicles.
<b>Guided 4-wheel-drive Groups</b>	One event per location per day and travel restricted to existing backcountry roads only. No group size limits defined.	One event per location per day and no more than 2 events per location per week. Travel restricted to existing backcountry roads only. Group size limited to 5 vehicles total.	One event per location per day and no more than 2 events per location per week. Travel restricted to existing backcountry roads only. Group size limited to 15 vehicles total.	One event per location per day and no more than 2 events per location per week. Travel restricted to existing backcountry roads only. Group size limited to 12 vehicles total.
<b>Guided Day-Hiking &amp; Photography Groups</b>	Allowed in both backcountry and wilderness, limited to 15 people per group.	Allowed in both backcountry and wilderness, limited to 10 people per group and 3 support vehicles. One commercial group per day in Mosaic Canyon, Natural Bridge Canyon, and Sidewinder Canyon. Support vehicles	Allowed in both backcountry and wilderness, limited to 15 people per group and 6 support vehicles. One commercial group per day in Mosaic Canyon, Natural Bridge Canyon, and Sidewinder Canyon. Support vehicles	Allowed in both backcountry and wilderness, limited to 12 people per group and 4 support vehicles. One commercial group per day in Mosaic Canyon, Natural Bridge Canyon, and Sidewinder Canyon.

CHAPTER TWO—ALTERNATIVES

Use	Alternative A: No Action	Alternative B: Minimum Action	Alternative C: Maximum Action	Alternative D: Focused Action
<b>Guided Bicycle Groups</b>	Bicycle use allowed on backcountry roads only, no off-road travel permitted. No group size limits defined.	restricted to travel on backcountry roads.  One event per location per day. Bicycle use allowed on backcountry roads only, no off-road travel permitted. Group size limited to 20 bikes and no more than 3 support vehicles.	restricted to travel on backcountry roads.  One event per location per day. Bicycle use and support vehicles allowed on backcountry roads only, no off-road travel permitted. Group size limited to 30 bikes and no more than 6 support vehicles.	Support vehicles restricted to travel on backcountry roads.  One event per location per day. Bicycle use and support vehicles allowed on backcountry roads only, no off-road travel permitted. Group size limited to 25 bikes and no more than 4 support vehicles.
<b>Guided Horse and Pack Animal Groups</b>	No commercial horse or pack animal permits issued for backcountry roads; no limits currently set	One event per location per day. Travel with pack animals restricted to backcountry roads only. Group size limited to 6 animals and no more than 3 support vehicles.	One event per location per day. Travel with pack animals and support vehicles restricted to backcountry roads only. Group size limited to 12 animals and no more than 6 support vehicles.	One event per location per day. Travel with pack animals and support vehicles restricted to backcountry roads only. Group size limited to 8 animals and no more than 4 support vehicles.
<b>Running Sporting Events</b>	Allowed on West Side Road and Titus Canyon Road only. No group size limits defined.	Allowed on West Side Road only. One hundred people and 10 support vehicles maximum.	Allowed on Titus Canyon Road once per 90 days and West Side Road once per 30 days. Three hundred people and 20 support vehicles maximum.	Allowed on Titus Canyon Road once per 90 days, and on West Side Road once per 30 days. Two hundred people and 15 support vehicles maximum.
<b>Bicycle Sporting Events</b>	Not allowed in wilderness. No Limits currently set	Not allowed in backcountry or wilderness.	Not allowed in backcountry or wilderness.	Not allowed in backcountry or wilderness.
<b>Guided Canyoneering Day Use</b>	No commercial canyoneering permits issued; no limits currently set	Not allowed in backcountry or wilderness.	One event per location per day and no more than 2 events per location per week. Group size limited to 12 people including guides.	Not allowed in wilderness.
<b>Guided Climbing Day Use</b>	No commercial climbing permits issued; no limits currently set.	Not allowed in backcountry or wilderness.	Not allowed in wilderness.	Not allowed in wilderness.

**Table 12. Highlights of impacts by impact topic**

<b>Wilderness Character</b>	<p>Impacts to wilderness character as a result of implementing alternative A or B would likely be negligible or minor. Some sources of degradation, largely outside of NPS control (such as air, light, and noise pollution) would continue to persist but are not likely to be acute enough to be observed by most visitors. Some opportunities to improve wilderness character would likely not be realized.</p> <p>Impacts to wilderness character as a result of implementing the maximum action alternative (alternative C) and focused action alternative (alternative D) would likely be moderate, both with some beneficial and some adverse impacts. Both alternatives would realize improvements to the untrammled, natural, undeveloped, and outstanding opportunities for solitude or primitive and unconfined recreation. However, some degradations would continue to persist and some new, localized degradations to viewshed and unconfined recreation would be realized through the development of some minor visitor facilities on backcountry lands near wilderness.</p> <p>Generally, impacts associated with the untrammled quality tend to be short-term while the impacts (positive or negative) associated with the other qualities tend to be long-term.</p>
<b>Wildlife</b>	<p>The focused action alternative (alternative D) would produce minor long-term beneficial impacts to wildlife by managing human waste and delineating trails around high use riparian areas, as well as by implementing a Backcountry and Wilderness Education Strategy and by systematically removing fences and other debris that threatens wildlife health. There would be negligible to minor long-term beneficial impacts to wildlife from delineating campsites and roadside camping corridors, and defining group size limits. The adverse impacts to wildlife from maintaining an additional 110 miles of existing backcountry roads would be minor and long term. The maximum action alternative (alternative C) would produce principally the same beneficial impact levels, with more adverse impacts to wildlife from the additional 280 miles of backcountry road maintenance on existing roads. The minimum action alternative (alternative B) would have smaller commercial and private group sizes, producing more benefits to wildlife from these constraints, but would not address trail delineation or designated campsites, with negligible to minor adverse effects. No additional road maintenance under this alternative would reduce vehicle-related mortality. The no-action alternative (alternative A) would similarly have no additional road maintenance, but it would also not address human waste concerns, visitor education, hazard debris removal, trail delineation, or campsites, resulting in an overall minor adverse impact to wildlife.</p>
<b>Vegetation</b>	<p>Each of the action alternatives (alternatives B, C, and D) for this plan would result in both adverse and beneficial long-term impacts to vegetation. Establishing trails and trailheads would eliminate social trail formation and protect vegetation, as would establishing restroom facilities in high use areas. These management actions would result in minor beneficial impacts to vegetation communities in localized areas, and the degree of benefit would vary by alternative according to the facilities proposed under each alternative. The proposal for additional road grading and subsequent visitor use along those improved road corridors in the maximum action alternative (alternative C) and the focused action alternative (alternative D) would result</p>

## CHAPTER TWO—ALTERNATIVES

in an increase in the spread of exotic vegetation, which would be a moderate long-term adverse impact of these alternatives that would require additional monitoring and weed control along improved road corridors in order to mitigate impacts to minor. The focused action alternative (alternative D) would present significantly less area to mitigate for than the maximum action alternative (alternative C).

### Special Status Species

The focused action alternative (alternative D) would result in a negligible to minor beneficial long-term impact to the desert tortoise because of a provision under this alternative for a designated roadside camping corridor in the Greenwater Valley with accompanying surveys to avoid tortoise in selecting site locations, restoration of tortoise habitat in previously used dispersed sites, and the installation of signage to prevent inadvertent vehicular impacts to tortoise. In addition, implementing the Backcountry and Wilderness Education Strategy under this alternative would provide a minor beneficial impact to the species and its habitat park-wide. Delineation of trails in riparian areas under the focused action alternative would cut down on social trail formation and would likely produce a negligible to minor beneficial impact on special status bird species that are dependent on riparian habitat. The determination of effect for all special status wildlife species under this alternative would be *no effect*.

Implementing the maximum action alternative (alternative C) would provide similar beneficial impacts to special status wildlife species. The minimum action alternative (alternative B) would result in less protection for the desert tortoise in Greenwater Valley, and less protection for riparian bird species along the Cottonwood-Marble Loop, resulting in negligible to minor adverse impacts to special status animal species. The no-action alternative (alternative A) would provide no Education Strategy and result in no management action to protect special status wildlife species, and the impact to these species would be long-term, minor, and adverse.

The focused action alternative (alternative D) would have minor, long-term beneficial impacts to the Eureka Dunes Evening Primrose and Eureka dunegrass, resulting from additional delineated campsites, a group campground, recruitment of a camp host, and restrictions on sandboarding. Overall, the determination of effect for federally listed plant species under this alternative would be *no effect*. Rare but not federally listed plants such as the shining milkvetch and Death Valley sandpaper plant would see minor, long-term benefits under all action alternatives (alternatives B, C, and D) from the sandboarding prohibition on the Ibex and Panamint Dunes.

The maximum action alternative (alternative C) would provide the same level of beneficial impacts as the focused action alternative (alternative D), while the minimum action alternative (alternative B) would have slightly less benefit to federally listed species because it would not include delineation of four additional campsites to minimize resource conflicts. The no-action alternative (alternative A) would have long term, moderate adverse impacts to federally listed and rare plant species.

## CHAPTER TWO--ALTERNATIVES

### **Geologic, Soil, & Paleontological Resources**

With regard to geologic resources, all of the action alternatives (alternatives B, C, and D) would be preferred over the no-action alternative (alternative A). This is because the action alternatives include restoring playa-forming processes and preventing vehicle trespass on the Racetrack. This is expected to have moderate beneficial impacts to this noteworthy geologic and scientific resource. Also, a framework for evaluating impacts from research activities (including collection limitations) would be developed under all of the action alternatives. This is likely to result in a minor positive impact on geologic resources compared to the no-action alternative.

All of the action alternatives present different levels of facilities construction or improvement that would have proportionate impacts to soils. With regard to facilities construction or improvement, the minimum action alternative (alternative B) presents the lowest level, the maximum action alternative (alternative C) presents the highest level, and the focused action alternative (alternative D) presents an intermediate level. Higher levels of facilities construction or improvement would increase backcountry accessibility, and therefore likely increase backcountry visitation. Higher visitation rates present the possibility of higher levels of adverse impacts to soils. However, the facilities construction improvements may counteract the impacts from increased visitation by preventing contamination from human waste, and restricting camping and parking sprawl. The action alternatives also present different levels of restrictions on activities and events, and the potential for soil impacts increase with increasing group sizes, activities, and events. With regard to the limitations on group sizes, activities, and events; the minimum action alternative (alternative A) is the most restrictive; the maximum action alternative (alternative C) is the least restrictive; and the focused alternative (alternative D) is intermediately restrictive. All of the action alternatives have negligible to minor adverse and beneficial impacts to geology and soils from the various balances of accessibility, facilities, and regulation.

Impacts to paleontological resources will remain unchanged as a result of any of the plan's alternatives, and are expected to be moderate, beneficial, and long term resulting from the protection of the Copper Canyon fossil locality.

### **Water Resources**

The minimum action, maximum action, and focused action alternatives (alternatives B, C, and D) all include restoring watershed processes and preventing vehicle trespass on the Racetrack. This is expected to have moderate beneficial impacts to the playa. Also, a framework for evaluating impacts from research activities (including decontamination procedures) would be developed under all of the action alternatives. This would result in a minor long-term beneficial impact on water resources compared to the no-action alternative (alternative A).

All of the action alternatives present different levels of facilities construction or improvement that would have proportionate impacts on watersheds. With regard to facilities construction or improvement, alternative B presents the lowest level, alternative C presents the highest level, and the alternative D presents an intermediate level. Higher levels of facilities construction or improvement would increase backcountry accessibility, and therefore likely increase backcountry visitation. Higher visitation rates present the possibility of higher impacts to watersheds. However, the facilities construction or improvements could counteract the impacts from increased visitation by preventing contamination from human waste, and restricting camping and parking sprawl. The action alternatives also present different levels of restrictions on activities and events, and the potential for watershed impacts increase with increasing group sizes, activities, and events. Overall, considering

CHAPTER TWO—ALTERNATIVES

the balance between accessibility, facilities, and regulation, all of the action alternatives are anticipated to have negligible to minor long-term beneficial impacts to water resources.

**Cultural Resources**

While all of the alternatives would have a negligible adverse and minor beneficial long-term impact to cultural resources, it is expected that the focused action alternative (alternative D) would have the most beneficial effect on cultural resources. Through stewardship of park resources, installation of toilets and campgrounds in locations that minimize conflict with cultural resources, minimal trail installations, and evaluation and rehabilitation of historic structures for compatible use, there is the potential for preservation of important cultural resources. The Section 106 determination for all alternatives would be *no adverse effect*.

**Socio-Economics**

Each of the action alternatives (alternatives B, C, and D) for this plan would result in both adverse and beneficial long-term impacts to regional and local economies. The threshold level of impacts would vary, but would not exceed minor impact for any of the alternatives. Changes would be slightly detectable and would not be expected to have an overall effect on the integrity or character of the social and economic environments, including overall economic activity, employment, and income. Impacts to grazing rights; inholdings, reserved rights, and rights of way; and Native American rights would be negligible from all alternatives. The cumulative impacts of improving roads, in conjunction with the backcountry infrastructure improvements proposed in the alternatives, would amplify the minor beneficial impacts to the socio-economic environment.

**Visitor Use & Experience**

The focused action alternative (alternative D) would have a negligible to minor, long-term impact to visitor use and experience. Impacts from some aspects of the alternative would be beneficial, and some adverse. Impacts from additional campgrounds, restroom facilities, established trails, an education strategy, wilderness monitoring and adaptive management strategies would provide beneficial impacts for visitor use and experience. Mandatory permit systems and fees would provide adverse impacts to many visitors, with some visitors receiving benefits from more effective search-and-rescue operations. Similarly, size limits on commercial and special use groups would adversely impact those groups, but would provide individuals seeking self-discovery and solitude with enhanced opportunities for a unique visitor experience in Death Valley National Park's backcountry and wilderness areas.

The maximum action alternative (alternative C) would intensify the impacts in comparison to the focused action alternative by providing for more infrastructure such as trails, campgrounds, and bathrooms, but also increased restrictions on commercial and special use group size. Impacts from the maximum action alternative would be both adverse and beneficial, at impact levels of minor to moderate.

The minimum action alternative (alternative B) would result in negligible to minor impacts to visitor use and experience, as a result of some modest human waste management improvements and limits on commercial and special use group size that are similar to current levels.

The net result of the no-action alternative (alternative A) would be long-term minor beneficial effects on visitor use of the

## CHAPTER TWO--ALTERNATIVES

backcountry and wilderness areas of Death Valley National Park, and potential long-term minor to moderate adverse effects on visitor experience if resource values are degraded from overuse in certain areas. This alternative would also be a lost opportunity to proactively define and maintain desired visitor experiences now and in the future.

### **Park Operations**

Overall, the focused action alternative (alternative D) would have minor, beneficial long-term impacts for park research functions and analysis of installations, with both minor adverse and minor beneficial impacts on ranger activities. The increased cost of this alternative would be a minor to moderate adverse impact to park operations.

In comparison, the maximum action alternative (alternative C) would have minor, beneficial long-term impacts for park research functions and analysis of installations, with both adverse and beneficial impacts on ranger activities that would range in intensity from minor to moderate. The increased cost of this alternative would be a moderate adverse impact to park operations.

The minimum action alternative (alternative B) would have minor, beneficial long-term impacts for park research functions and analysis of installations, with negligible impacts on ranger activities. The increased cost of this alternative would be a minor adverse impact.

Adoption of the no-action alternative (alternative A) would result in negligible but incremental adverse long-term impacts to park operations.

CHAPTER TWO—ALTERNATIVES

Table 13. Summary of impacts by alternative (2 pages).

Impact Topic	Alternative A: No-action	Alternative B: Minimum Action	Alternative C: Maximum Action	Alternative D: Focused Action
Wilderness	Negligible to minor impacts with many lost opportunities to improve wilderness character.	Negligible to minor impacts with some lost opportunities to improve wilderness character.	Moderate impacts, both beneficial and adverse. Improvements to all qualities of wilderness character, some adverse impacts to the qualities of "untrammled" and "solitude or primitive and unconfined recreation."	Moderate impacts, both beneficial and adverse. Improvements to all qualities of wilderness character, few adverse impacts to the qualities of "untrammled" and "solitude or primitive and unconfined recreation."
Wildlife	Lost opportunities to reduce impacts to wildlife resulting in a continuation of minor, adverse impacts to wildlife.	Negligible to minor adverse impacts, with some minor beneficial impacts.	Minor, long-term beneficial impacts from multiple sources and minor, long-term adverse impacts associated with road maintenance (more than alt D).	Minor, long-term beneficial impacts from multiple sources and minor, long-term adverse impacts associated with road maintenance (less than alt C).
Vegetation	No new impacts, but lost opportunities to reduce existing negligible to minor impacts associated with inappropriate visitor use.	Negligible, long-term adverse and beneficial impacts.	Moderate, long-term adverse impacts associated with road maintenance and minor beneficial impacts from new actions/facilities to reduce inappropriate visitor use (more than alt D).	Moderate, long-term adverse impacts associated with road maintenance and minor beneficial impacts from new actions/facilities to reduce inappropriate visitor use (less than alt C).
Special Status Species	No new impacts, but lost opportunities to reduce existing long-term, minor adverse impacts to special status wildlife species and long-term, moderate adverse impacts to plants.	Negligible to minor adverse impacts to special status wildlife species. Minor, long-term benefits to special status plants (less than alt C or D).	Negligible to minor benefits to special status wildlife species. Minor, long-term benefits to plant species.	Impact levels to special status species would be the same as alt C. The determination of effect under the Endangered Species Act for all species would be <i>no effect</i> .
Geology, Soils, and Paleontological Resources	No new impacts, but lost opportunities to reduce existing long-term minor adverse impacts.	Long-term, moderate beneficial impacts to Racetrack Playa. Negligible to minor adverse and beneficial impacts to geology and soils. Long-term, moderate, beneficial impacts to paleontological resources.	Same as B.	Same as B.
Water Resources	No new impacts, but lost opportunities to reduce existing long-term minor adverse impacts to hydrologic processes (e.g. Racetrack Playa) and water quality.	Long-term, moderate beneficial impacts to Racetrack Playa. Negligible to minor adverse and beneficial impacts to water resources.	Same as B.	Same as B.

CHAPTER TWO—ALTERNATIVES

Cultural Resources	No new impacts, but lost opportunities to improve cultural resources preservation and protection.	Long-term, minor to moderate beneficial and adverse impacts to cultural resources.	Same as B.	Same as B.
Socio-Economics	No impacts.	Long-term, negligible to minor beneficial and adverse impacts to regional and local economies. Negligible impacts to inholdings, reserved rights, rights of way and Native American rights.	Same as B.	Same as B.
Visitor Use	Lost opportunities to mitigate existing long-term minor to moderate adverse impacts and continuation of minor, beneficial impacts.	Long-term, negligible to minor benefits and adverse impacts.	Long-term, minor to moderate benefits and adverse impacts.	Long-term, minor benefits and adverse impacts.
Park Operations	Negligible but incremental adverse impacts.	Long-term, minor beneficial impacts on administrative processes. Negligible impacts on ranger activities. Minor adverse impacts on park budget.	Long-term, minor beneficial impacts on administrative processes. Minor to moderate impacts on ranger activities. Moderate adverse impacts on park budget.	Long-term, minor beneficial impacts on administrative processes. Minor adverse and beneficial impacts on ranger activities. Minor to moderate adverse impacts on park budget.



**AGENDA REQUEST FORM**  
BOARD OF SUPERVISORS  
COUNTY OF INYO

For Clerk's Use Only  
**AGENDA NUMBER**  
9

- Consent     Departmental     Correspondence Action     Public Hearing  
 Scheduled Time for     Closed Session     Informational

**FROM:** Public Works

**FOR THE BOARD MEETING OF:** October 2, 2012

**SUBJECT:** Approval of Request for Proposal (RFP) for Trash Disposal Services at County Buildings and Facilities

**DEPARTMENTAL RECOMMENDATION:**

Staff requests Board approval of the attached RFP prior to advertising and receiving proposals for providing trash disposal and optional recycling services at County Buildings and Facilities for a three (3) year period.

**CAO RECOMMENDATIONS:**

**SUMMARY DISCUSSION:**

On September 11, 2012, Public Works submitted, for Board review and comments, an RFP for Trash Disposal Services at thirty (30) County facilities in the Bishop, Big Pine, Independence, and Lone Pine areas. The Board provided comments to Public Works on the subject RFP. This RFP now incorporates those comments.

**ALTERNATIVES:**

1. Your Board could elect to not approve this RFP. This is not recommended, as Public Works needs to move forward with advertising the RFP, receiving and reviewing qualified proposals, and ultimately presenting to your Board a recommendation for the Trash Disposal Services contract award.
2. Your Board could elect to further revise this RFP. This is not recommended, as there may not be enough time to advertise, analyze, award and allow enough time for a transition to a new provider, if one is needed.

**OTHER DEPARTMENT INVOLVEMENT:**

County Counsel

**FINANCING:**

The funds for this services Contract will be provided through the County's Public Works Department, Building & Maintenance of Ground Division budget 011100, Object Code 5265.

**APPROVALS**

COUNTY COUNSEL:

AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS (Must be reviewed and approved by county counsel prior to submission to the board clerk.)

*R. Miller*

Approved: \_\_\_\_\_ Date 9.18.12

AUDITOR/CONTROLLER:  N/A	ACCOUNTING/FINANCE AND RELATED ITEMS (Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)  Approved: _____ Date _____
PERSONNEL DIRECTOR:  N/A	PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)  Approved: _____ Date _____

**DEPARTMENT HEAD SIGNATURE:**

(Not to be signed until all approvals are received)

(The Original plus 20 copies of this document are required)



Date: 9.25-12

County of Inyo  
Public Works Department

REQUEST FOR PROPOSALS

For

Trash Disposal Services  
Inyo County Buildings and Facilities



Fall 2012

The County of Inyo, Department of Public Works, is requesting proposals for:

## **TRASH DISPOSAL SERVICES INYO COUNTY BUILDINGS AND FACILITIES**

### **A. Proposal Submittal Requirements**

The County of Inyo is accepting proposals for providing Trash Disposal Services at Inyo County Facilities for a three (3) year period (December 1, 2012 to November 30, 2015) at thirty (30) County of Inyo facilities located in the City of Bishop and the towns of Big Pine, Independence, and Lone Pine. For specific information regarding facility locations, size of trash receptacles, and collection frequency, refer to attached "Exhibit A – Scope of Work."

Proposals must be received on or before 2:00 p.m. October 17, 2012, addressed to the Department of Public Works, Drawer Q, Independence, California 93526. Proposals must be submitted in a sealed envelope marked: "**Proposal – Trash Disposal Service, Inyo County Facilities.**" The company name and address of the respondent must appear (and not be handwritten) on the outside of the envelope. Envelopes handwritten, or without the name of the respondent and a return address will be disposed of without being opened.

Proposals shall include the following items:

1. A completed "Exhibit A – Scope of Work" indicating the Monthly Price the County will be charged for trash disposal services at each facility location, for the receptacle size and collection frequency identified on Exhibit A – Scope of Work, and a summed "Total Monthly Price for All Locations" for trash disposal services. Exhibit A must be signed and dated by the company representative with authority to bind the company to its bid. The submitted proposal's "summed Total of All Monthly Prices" shall include all compensation for service provider to provide trash removal and disposal services;

Additionally, a rate sheet, showing the availability of all trash receptacle sizes and associated collection frequencies available to the County must be appended to Exhibit A. The County reserves the right to change the size and/or collection frequency of trash receptacles at any location, for the price shown on the rate sheet, during the term of the contract.

2. Any Additional Services, excluding Optional Recycling Services described below, the respondent will provide the County at no additional cost. Examples of Additional Services could include, but are not limited to: ensuring a 10-foot radius area around the trash container is left trash and debris free, in a swept and cleaned-up state after each provided service; providing container locks if requested, etc..
3. A list identifying any subcontractors that will be involved in providing the services contained in the submitted Proposal with a specific description of the services the subcontractor will be providing.
4. Additional "trash disposal" Cost Savings Recommendation(s) (CSR), if any, the respondent recommends the County consider may be submitted on separate sheet(s) of paper. Such recommendations could include, but are not limited to, opportunities to reduce

container sizes and/or the frequency of collection at facilities, etc.. These CSR's must be independent of any Recycling Services proposal included in No. 5 "Optional" noted immediately below. For each CSR provide a brief description of the strategy or service that will be provided; include the cost of the strategy or service (if any); identify the associated cost savings to the County; and, identify all assumptions, if any, used in making the proposal.

5. **OPTIONAL:** At the sole option of the respondent, a "Recycling Services" proposal may be submitted for the County's consideration. If submitted, this Recycling Services proposal will not be included as part of the County's review and evaluation of the Trash Disposal Service Proposal. If submitting this optional Recycling Services proposal, the respondent must indicate if the Recycling Services proposal, including associated costs, is contingent upon being awarded the Trash Disposal Services contract, or, if the County may contract for these services independent of the Trash Disposal Services contract. The County may elect to include the Recycling Services proposal in the Trash Disposal Services agreement; as an amendment thereto at a later date; or, as a separate agreement.

Recycling Services proposals should be made by completing Exhibit B – Optional Recycling Services indicating the type(s) and size(s) of container and frequency of collection that will be provided to each facility; the Monthly Price the County will be charged for the specified recycling services at each facility; and, the "Total Monthly Price for All Locations." The proposal should clearly identify, for each location, what materials will be collected for recycling.

**B. Information Regarding Responding to this RFP**

All questions regarding this RFP should be directed to: Inyo County Public Works Department, PO Drawer Q, Independence, CA 93526; Office: 760-878-0201; Fax: (760) 878-2001; Email: [jahlstrom@inyocounty.us](mailto:jahlstrom@inyocounty.us)

The company submitting the proposal selected for contract award will be required to enter into Inyo County Standard Form Contract No. 113, a copy of which is attached as Exhibit C.

**C. Proposal Evaluation Criteria**

A selection committee composed of two members of the Inyo County Public Works Department will evaluate all submitted proposals. The information provided in the proposal will be the basis for recommending a Contract Award to the Board of Supervisors at a regularly scheduled meeting. The following table describes how proposal items will be scored with the highest point total (after applying a Contracting Preference (see Section "E" of this RFP) to applicable proposal total dollar amounts) being the basis for the award recommendation:

<u>Proposal Item Description</u>	<u>Max. Possible Points</u>
1. Submittal of a completed Exhibit A – Scope of Work	Pass/Fail
2. Lowest responsible price received for "Total of all Monthly Prices" (Trash Disposal Only) in Exhibit A – Scope of Work.	55
3. Additional Services proposed at no cost to the County - excluding Optional Recycling Services.	20

4. Any additional Cost Savings Recommendation(s) regarding County Facilities trash disposal that the respondent recommends the County consider. (Will be scored on total amount of savings, exclusive of any savings directly associated with the implementation of the Optional Recycling Services proposal if submitted).	20
5. Company's ability to enter into Inyo County Standard Contract No. 113 <u>(please submit any and all exceptions taken to this Contract)</u>	5
<b>TOTAL:</b>	<b>100</b>

**D. Proposal Optional Services Additive Item: "Recycling Services"**

If respondent elects to propose recycling services, the County of Inyo may elect to include a "Recycling Services" component in the Trash Disposal Services agreement, or amend the contract to include Recycling Services at a later date. This component will be based on the Optional Recycling Services information included in "Exhibit B – Optional Recycling Services."

**E. Contracting Preferences For Local and Small Businesses**

There is a contracting preference of 5% for small business enterprises (or) 8% for local businesses available for this Request for Proposals. To be eligible for a preference, a small business enterprise must submit proof of certification from the State of California or the Small Business Administration as a small business. A local business must provide documentation that it is a local business as defined by Inyo County Code § 6.06.020(B) with its proposal. Please refer to the Inyo County website home page at <http://www.inyocounty.us/> for a copy of the Local Business Verification Form.

**F. Notification of Bidders**

All bidders will be notified in writing by County Public Works of the date when the recommendation for award will be presented to the Board of Supervisors for their consideration of contract award. The selected Contractor will be notified after the Board of Supervisors awards the Contract.

**G. Execution of County Contract**

The selected Consultant will be required to enter into contract with the County of Inyo on the County of Inyo Standard Form Contract No. 113 which is attached as Exhibit B. Please note the insurance requirements in the Contract for worker's compensation, general liability, and vehicle liability.

**Exhibit A – Scope of Work**

(4 pages)

**EXHIBIT A**  
**SCOPE OF WORK - Trash Disposal Services**

<b><u>Location (Bishop)</u></b>	<b><u>Size of Dumpster</u></b>	<b><u>Quantity</u></b>	<b><u>Frequency</u></b>	<b><u>Monthly Price</u></b>
Bishop Library 210 Academy	3 CY	1	1/week	\$ _____
County Services Building 207 West South Street	3 CY (locking)	1	1/week	\$ _____
Airport Terminal 703 North Airport Road	3 CY	1	1/week	\$ _____
• ESTA Parking Lot	2 CY	1	1/week	\$ _____
Health and Human Services 162 Grove Street	3 CY (locking)	1	1/week	\$ _____
Clark Wing 301 West Line Street	3 CY	1	1/week	\$ _____
WIC 568 West Line Street	100 gallon. rolling cart	1	1/week	\$ _____
Bishop Senior Center 506 Park Avenue	3 CY	1	2/week	\$ _____
Bishop Administration 163 May Street	3 CY (locking)	1	1/week	\$ _____

**EXHIBIT A**  
**SCOPE OF WORK - Trash Disposal Services**

<b><u>Location (Bishop)</u></b>	<b><u>Size of Dumpster</u></b>	<b><u>Quantity</u></b>	<b><u>Frequency</u></b>	<b><u>Monthly Price</u></b>
Family Support Services 230 West Line Street	100 gallon. rolling cart	1	1/week	\$ _____
Search and Rescue Airport Road	100 gallon rolling cart	1	1/week	\$ _____
One Stop/Probation 912 North Main Street	3 CY	1	1/week	\$ _____
Progress House 536 North Second Street	3 CY	1	1/week	\$ _____
Bishop District 1 & 2 (Road) 3236 West Line Street	3 CY	1	1/week	\$ _____
Bishop Road Shop 701 South Main Street	3 CY	1	1/week	\$ _____

<b><u>Location (Big Pine)</u></b>	<b><u>Size of Dumpster</u></b>	<b><u>Quantity</u></b>	<b><u>Frequency</u></b>	<b><u>Monthly Price</u></b>
Big Pine District 3 (Road) 160 Dewey Street	3 CY	1	1/week	\$ _____
Big Pine Town Hall 180 Dewey Street	3 CY (locking)	1	1/week	\$ _____

**EXHIBIT A**  
**SCOPE OF WORK - Trash Disposal Services**

<b><u>Location (Independence)</u></b>	<b><u>Size of Dumpster</u></b>	<b><u>Quantity</u></b>	<b><u>Frequency</u></b>	<b><u>Monthly Price</u></b>
Courthouse Complex / Annex Building 168 North Edwards Street	3 CY	2	1/week	\$ _____
Independence Legion Hall 201 South Edwards Street	3 CY	1	1/week	\$ _____
Eastern California Museum 155 North Grant Street	100 gallon rolling cart	2	1/week	\$ _____
Jail and Sheriff Administration 550 South Clay Street	3 CY	4	2/week	\$ _____
Juvenile Detention Facility 201 Mazourka Canyon Road	3 CY	2	1/week	\$ _____
Building and Maintenance Shop 136 South Jackson Street	3 CY	1	1/week	\$ _____
Water Department 135 South Jackson	3 CY	1	1/week	\$ _____
Independence Administration 224 North Edwards Street	100 gallon rolling cart	1	1/week	\$ _____
Mazourka Road Shop 750 South Clay Street	3 CY	1	1/week	\$ _____

**EXHIBIT A**  
**SCOPE OF WORK - Trash Disposal Services**

<b>Location (Lone Pine)</b>	<b>Size of Dumpster</b>	<b>Quantity</b>	<b>Frequency</b>	<b>Monthly Price</b>
Health and Human Services 380 North Mount Whitney	3 CY	1	1/week	\$ _____
Lone Pine Library 210 Bush Street	100 gallon rolling cart	1	1/week	\$ _____
Statham Hall 183 Jackson Street	3 CY	1	1/week	\$ _____
Lone Pine Road Shop 160 North Lone Pine Avenue	3 CY	1	1/week	\$ _____
Lone Pine Sheriff Sub Station 726 North Main Street	3 CY	1	1/week	\$ _____
<b>TOTAL MONTHLY PRICE FOR ALL LOCATIONS:</b>				<b>\$ _____</b>

**NOTE:** Inyo County reserves the right to revise the above noted trash container sizes, quantities, and/or service frequency, as needed, during the service agreement duration. Service provider will be compensated accordingly.

\_\_\_\_\_  
 Company Name

\_\_\_\_\_  
 Representative Name (print name)

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Representative Signature

**Exhibit B – Optional Recycling Services**

(4 pages)

**EXHIBIT B**  
**SCOPE OF WORK - Optional Recycling Services**

<b><u>Location (Bishop)</u></b>	<b><u>Recycling Container Size</u></b>	<b><u>Quantity</u></b>	<b><u>Frequency</u></b>	<b><u>Monthly Price</u></b>
Bishop Library 210 Academy	-None-	-	-	
County Services Building 207 West South Street	68 Gal.	1	2/month	\$_____
Airport Terminal 703 North Airport Road	68 Gal.	1	2/month	\$_____
• ESTA Parking Lot	-None-	-	-	
Health and Human Services 162 Grove Street	68 Gal.	2	2/month	\$_____
Clark Wing 301 West Line Street	-None-	-	-	
WIC 568 West Line Street	-None-	-	-	
Bishop Senior Center 506 Park Avenue	68 Gal.	2	2/month	\$_____
Bishop Administration 163 May Street	-None-	-	-	

**EXHIBIT B**  
**SCOPE OF WORK – Optional Recycling Services**

<b><u>Location (Bishop)</u></b>	<b><u>Recycling Container Size</u></b>	<b><u>Quantity</u></b>	<b><u>Frequency</u></b>	<b><u>Monthly Price</u></b>
Family Support Services 230 West Line Street	-None-	-	-	
Search and Rescue Airport Road	-None-	-	-	
One Stop/Probation 912 North Main Street	68 Gal.	1	2/month	\$_____
Progress House  536 North Second Street	-None-	-	-	
Bishop District 1 & 2 (Road) 3236 West Line Street	-None-	-	-	
Bishop Road Shop 701 South Main Street	-None-	-	-	

<b><u>Location (Big Pine)</u></b>	<b><u>Recycling Container Size</u></b>	<b><u>Quantity</u></b>	<b><u>Frequency</u></b>	<b><u>Monthly Price</u></b>
Big Pine District 3 (Road) 160 Dewey Street	-None-	-	-	
Big Pine Town Hall 180 Dewey Street	-None-	-	-	

**EXHIBIT B**  
**SCOPE OF WORK – Optional Recycling Services**

<b><u>Location (Independence)</u></b>	<b><u>Recycling Container Size</u></b>	<b><u>Quantity</u></b>	<b><u>Frequency</u></b>	<b><u>Monthly Price</u></b>
Courthouse Complex / Annex Building 168 North Edwards Street	3 CY Cardboard 68 Gal.	1 2	1/week 2/month	\$ _____ \$ _____
Independence Legion Hall 201 South Edwards Street	-None-	-	-	
Eastern California Museum 155 North Grant Street	68 Gal.	1	2/month	\$ _____
Jail and Sheriff Administration 550 South Clay Street	-None-	-	-	
Juvenile Detention Facility 201 Mazourka Canyon Road	-None-	-	-	
Building and Maintenance Shop 136 South Jackson Street	-None-	-	-	
Water Department 135 South Jackson	-None-	-	-	
Independence Administration 224 North Edwards Street	68 Gal.	1	2/month	\$ _____
Mazourka Road Shop 750 South Clay Street	68 Gal.	1	2/month	\$ _____

**EXHIBIT B**  
**SCOPE OF WORK – Optional Recycling Services**

<b><u>Location (Lone Pine)</u></b>	<b><u>Recycling Container Size</u></b>	<b><u>Quantity</u></b>	<b><u>Frequency</u></b>	<b><u>Monthly Price</u></b>
Health and Human Services 380 North Mount Whitney	68 Gal.	1	1/month	\$ _____
Lone Pine Library 210 Bush Street	-None-	-	-	
Statham Hall 183 Jackson Street	-None-	-	-	
Lone Pine Road Shop 160 North Lone Pine Avenue	-None-	-	-	
Lone Pine Sheriff Sub Station 726 North Main Street	68 Gal.	1	1/month	\$ _____
<b>TOTAL MONTHLY PRICE FOR ALL LOCATIONS:</b>				\$ _____

\_\_\_\_\_  
 Company Name

\_\_\_\_\_  
 Representative Name (print name)

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Representative Signature

**Exhibit C**

(County of Inyo Standard Contract No. 113)

**AGREEMENT BETWEEN COUNTY OF INYO**  
**AND** \_\_\_\_\_  
**FOR THE PROVISION OF** Waste Disposal and Recycling **SERVICES**

**INTRODUCTION**

WHEREAS, the County of Inyo (hereinafter referred to as "County") has the need for the Waste Disposal and Recycling services of \_\_\_\_\_ of \_\_\_\_\_ hereinafter referred to as "Contractor"), and in consideration of the mutual promises, covenants, terms, and conditions hereinafter contained, the parties hereby agree as follows:

**TERMS AND CONDITIONS**

**1. SCOPE OF WORK.**

The Contractor shall furnish to the County, those services and work set forth in Attachment A, attached hereto and by reference incorporated herein.

Services and work provided by the Contractor at the County's request under this Agreement will be performed in a manner consistent with the requirements and standards established by applicable federal, state, and County laws, ordinances, regulations, and resolutions. Such laws, ordinances, regulations, and resolutions include, but are not limited to, those which are referred to in this Agreement.

**2. TERM.**

The term of this Agreement shall be from December 1, 2012 to November 30, 2015 unless sooner terminated as provided below.

**3. CONSIDERATION.**

A. Compensation. County shall pay to Contractor the sum total of (an annual payment of) \_\_\_\_\_ Dollars and \_\_\_\_\_ cents (\$ \_\_\_\_\_) for performance of all of the services and completion of all of the work described in Attachment A.

B. Travel and Per Diem. Contractor will not be paid or reimbursed for travel expenses or per diem which Contractor incurs in providing services and work under this Agreement.

C. No Additional Consideration. Except as expressly provided in this Agreement, Contractor shall not be entitled to, nor receive, from County, any additional consideration, compensation, salary, wages, or other type of remuneration for services rendered under this Agreement. Specifically, Contractor shall not be entitled, by virtue of this Agreement, to consideration in the form of overtime, health insurance benefits, retirement benefits, disability retirement benefits, sick leave, vacation time, paid holidays, or other paid leaves of absence of any type or kind whatsoever.

D. Limit Upon Amount Payable Under Agreement. The total sum of all payments made by the County to Contractor for all services and work to be performed under this Agreement shall not exceed \_\_\_\_\_ Dollars (hereinafter referred to as "contract limit"). County expressly reserves the right to deny any payment or reimbursement requested by Contractor for services or work performed which is in excess of the contract limit.

E. Billing and Payment. Contractor shall submit to the County, upon completion of all services and work set forth in Attachment A, an itemized statement of all services and work performed by Contractor pursuant to this Agreement. This statement will identify the date on which the services were performed and describe the nature of the services and work which was performed on each day. Upon receipt of the statement by the fifth (5th) day of the month, County shall make payment to Contractor on the last day of the month.

F. Federal and State Taxes.

(1) Except as provided in subparagraph (2) below, County will not withhold any federal or state income taxes or social security from any payments made by County to Contractor under the terms and conditions of this Agreement.

(2) County will withhold California State income taxes from payments made under this Agreement to non-California resident independent contractors when it is anticipated that total annual payments to Contractor under this Agreement will exceed one thousand four hundred ninety-nine dollars (\$1,499.00).

(3) Except as set forth above, County has no obligation to withhold any taxes or payments from sums paid by County to Contractor under this Agreement. Payment of all taxes and other assessments on such sums is the sole responsibility of Contractor. County has no responsibility or liability for payment of Contractor's taxes or assessments.

(4) The total amounts paid by County to Contractor, and taxes withheld from payments to non-California residents, if any, will be reported annually to the Internal Revenue Service and the California State Franchise Tax Board. To facilitate this reporting, Contractor shall complete and submit to the County an Internal Revenue Service (IRS) Form W-9, attached hereto as Attachment B, upon executing this Agreement.

**4. WORK SCHEDULE.**

Contractor's obligation is to perform, in a timely manner, those services and work identified in Attachment A. It is understood by Contractor that the performance of these services and work will require a varied schedule. Contractor will arrange his/her own schedule, but will coordinate with County to insure that all services and work requested by County under this Agreement will be performed within the time frame set forth by County.

**5. REQUIRED LICENSES, CERTIFICATES, AND PERMITS.**

A. Any licenses, certificates, or permits required by the federal, state, county, or municipal governments for contractor to provide the services and work described in Attachment A must be procured by Contractor and be valid at the time Contractor enters into this Agreement. Further, during the term of this Agreement, Contractor must maintain such licenses, certificates, and permits in full force and effect. Licenses, certificates, and permits may include, but are not limited to, driver's licenses, professional licenses or certificates, and business licenses. Such licenses, certificates, and permits will be procured and maintained in force by Contractor at no expense to the County. Contractor will provide County, upon execution of this Agreement, with evidence of current and valid licenses, certificates and permits which are required to perform the services identified in Attachment A. Where there is a dispute between Contractor and County as to what licenses, certificates, and permits are required to perform the services identified in Attachment A, County reserves the right to make such determinations for purposes of this Agreement.

B. Contractor warrants that it is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in covered transactions by any federal department or agency. Contractor also warrants that it is not suspended or debarred from receiving federal funds as listed in the List of Parties Excluded from Federal Procurement or Non-procurement Programs issued by the General Services Administration available at: <http://www.epls.gov>.

**6. OFFICE SPACE, SUPPLIES, EQUIPMENT, ETC.**

Contractor shall provide such office space, supplies, equipment, vehicles, reference materials, and telephone service as is necessary for Contractor to provide the services identified in Attachment A to this Agreement. County is not obligated to reimburse or pay Contractor, for any expense or cost incurred by Contractor in procuring or maintaining such items. Responsibility for the costs and expenses incurred by Contractor in providing and maintaining such items is the sole responsibility and obligation of Contractor.

**7. COUNTY PROPERTY.**

A. Personal Property of County. Any personal property such as, but not limited to, protective or safety devices, badges, identification cards, keys, etc. provided to Contractor by County pursuant to this Agreement are, and at the termination of this Agreement remain, the sole and exclusive property of County. Contractor will use reasonable care to protect, safeguard and maintain such items while they are in Contractor's possession. Contractor will be financially responsible for any loss or damage to such items, partial or total, which is the result of Contractor's negligence.

B. Products of Contractor's Work and Services. Any and all compositions, publications, plans, designs, specifications, blueprints, maps, formulas, processes, photographs, slides, video tapes, computer programs, computer disks, computer tapes, memory chips, soundtracks, audio recordings, films, audio-visual presentations, exhibits, reports, studies, works of art, inventions, patents, trademarks, copyrights, or intellectual properties of any kind which are created, produced, assembled, compiled by, or are the result, product, or manifestation of, Contractor's services or work under this Agreement are, and at the termination of this Agreement remain, the sole and exclusive property of the County. At the termination of the Agreement, Contractor will convey possession and title to all such properties to County.

**8. WORKERS' COMPENSATION.**

Contractor shall provide Statutory California Worker's Compensation coverage and Employer's Liability coverage for not less than \$1,000,000 per occurrence for all employees engaged in services or operations under this Agreement. The County of Inyo, its agents, officers and employees shall be named as additional insured or a waiver of subrogation shall be provided.

**9. INSURANCE.**

For the duration of this Agreement Contractor shall procure and maintain insurance of the scope and amount specified in Attachment C and with the provisions specified in that attachment.

**10. STATUS OF CONTRACTOR.**

All acts of Contractor, its agents, officers, and employees, relating to the performance of this Agreement, shall be performed as independent contractors, and not as agents, officers, or employees of County. Contractor, by virtue of this Agreement, has no authority to bind or incur any obligation on behalf of County. Except as expressly provided in Attachment A, Contractor has no authority or responsibility to exercise any rights or power vested in the County. No agent, officer, or employee of the County is to be considered an employee of Contractor. It is understood by both Contractor and County that this Agreement shall not under any circumstances be construed or considered to create an employer-employee relationship or a joint venture. As an independent contractor:

A. Contractor shall determine the method, details, and means of performing the work and services to be provided by Contractor under this Agreement.

B. Contractor shall be responsible to County only for the requirements and results specified in this Agreement, and except as expressly provided in this Agreement, shall not be subjected to County's control with respect to the physical action or activities of Contractor in fulfillment of this Agreement.

C. Contractor, its agents, officers, and employees are, and at all times during the term of this Agreement shall, represent and conduct themselves as independent contractors, and not as employees of County.

#### **11. DEFENSE AND INDEMNIFICATION.**

Contractor shall defend, indemnify, and hold harmless County, its agents, officers, and employees from and against all claims, damages, losses, judgments, liabilities, expenses, and other costs, including litigation costs and attorney's fees, arising out of, resulting from, or in connection with, the performance of this Agreement by Contractor, or Contractor's agents, officers, or employees. Contractor's obligation to defend, indemnify, and hold the County, its agents, officers, and employees harmless applies to any actual or alleged personal injury, death, or damage or destruction to tangible or intangible property, including the loss of use. Contractor's obligation under this paragraph extends to any claim, damage, loss, liability, expense, or other costs which is caused in whole or in part by any act or omission of the Contractor, its agents, employees, supplier, or any one directly or indirectly employed by any of them, or anyone for whose acts or omissions any of them may be liable.

Contractor's obligation to defend, indemnify, and hold the County, its agents, officers, and employees harmless under the provisions of this paragraph is not limited to, or restricted by, any requirement in this Agreement for Contractor to procure and maintain a policy of insurance.

To the extent permitted by law, County shall defend, indemnify, and hold harmless Contractor, its agents, officers, and employees from and against all claims, damages, losses, judgments, liabilities, expenses, and other costs, including litigation costs and attorney's fees, arising out of, or resulting from, the active negligence, or wrongful acts of County, its officers, or employees.

#### **12. RECORDS AND AUDIT.**

A. Records. Contractor shall prepare and maintain all records required by the various provisions of this Agreement, federal, state, and municipal law, ordinances, regulations, and directions. Contractor shall maintain these records for a minimum of four (4) years from the termination or completion of this Agreement. Contractor may fulfill its obligation to maintain records as required by this paragraph by substitute photographs, microphotographs, or other authentic reproduction of such records.

B. Inspections and Audits. Any authorized representative of County shall have access to any books, documents, papers, records, including, but not limited to, financial records of Contractor, which County determines to be pertinent to this Agreement, for the purposes of making audit, evaluation, examination, excerpts, and transcripts during the period such records are to be maintained by Contractor. Further, County has the right, at all reasonable times, to audit, inspect, or otherwise evaluate the work performed or being performed under this Agreement.

**13. NONDISCRIMINATION.**

During the performance of this Agreement, Contractor, its agents, officers, and employees shall not unlawfully discriminate in violation of any federal, state, or local law, against any employee, or applicant for employment, or person receiving services under this Agreement, because of race, religion, color, national origin, ancestry, physical handicap, medical condition, marital status, age, or sex. Contractor and its agents, officers, and employees shall comply with the provisions of the Fair Employment and Housing Act (Government Code section 12900, et seq.), and the applicable regulations promulgated thereunder in the California Code of Regulations. Contractor shall also abide by the Federal Civil Rights Act of 1964 (P.L. 88-352) and all amendments thereto, and all administrative rules and regulations issued pursuant to said act.

**14. ASSIGNMENT.**

This is an agreement for the services of Contractor. County has relied upon the skills, knowledge, experience, and training of Contractor as an inducement to enter into this Agreement. Contractor shall not assign or subcontract this Agreement, or any part of it, without the express written consent of County. Further, Contractor shall not assign any monies due or to become due under this Agreement without the prior written consent of County.

**15. DEFAULT.**

If the Contractor abandons the work, or fails to proceed with the work and services requested by County in a timely manner, or fails in any way as required to conduct the work and services as required by County, County may declare the Contractor in default and terminate this Agreement upon five (5) days written notice to Contractor. Upon such termination by default, County will pay to Contractor all amounts owing to Contractor for services and work satisfactorily performed to the date of termination.

**16. WAIVER OF DEFAULT.**

Waiver of any default by either party to this Agreement shall not be deemed to be waiver of any subsequent default. Waiver or breach of any provision of this Agreement shall not be deemed to be a waiver of any other or subsequent breach, and shall not be construed to be a modification of the terms of this Agreement unless this Agreement is modified as provided in paragraph twenty-three (23) below.

**17. CONFIDENTIALITY.**

Contractor agrees to comply with the various provisions of the federal, state, and county laws, regulations, and ordinances providing that information and records kept, maintained, or accessible by Contractor in the course of providing services and work under this Agreement, shall be privileged, restricted, or confidential. Contractor agrees to keep confidential all such information and records. Disclosure of such confidential, privileged, or protected information shall be made by Contractor only with the express written consent of the County.

**18. CONFLICTS.**

Contractor agrees that it has no interest, and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of the work and services under this Agreement.

**19. POST AGREEMENT COVENANT.**

Contractor agrees not to use any confidential, protected, or privileged information which is gained from the County in the course of providing services and work under this Agreement, for any personal benefit, gain, or enhancement. Further, Contractor agrees for a period of two years after the termination of this Agreement, not to seek or accept any employment with any entity, association, corporation, or person who, during the term of this Agreement, has had an adverse or conflicting interest with the County, or who has been an adverse party in litigation with the County, and concerning such, Contractor by virtue of this Agreement has gained access to the County's confidential, privileged, protected, or proprietary information.

**20. SEVERABILITY.**

If any portion of this Agreement or application thereof to any person or circumstance shall be declared invalid by a court of competent jurisdiction, or if it is found in contravention of any federal, state, or county statute, ordinance, or regulation, the remaining provisions of this Agreement, or the application thereof, shall not be invalidated thereby, and shall remain in full force and effect to the extent that the provisions of this Agreement are severable.

**21. FUNDING LIMITATION.**

The ability of County to enter this Agreement is based upon available funding from various sources. In the event that such funding fails, is reduced, or is modified, from one or more sources, County has the option to cancel, reduce, or modify this Agreement, or any of its terms within ten (10) days of its notifying Contractor of the cancellation, reduction, or modification of available funding. Any reduction or modification of this Agreement made pursuant to this provision must comply with the requirements of paragraph twenty-three (23) (Amendment).

**22. ATTORNEY'S FEES.**

If either of the parties hereto brings an action or proceeding against the other, including, but not limited to, an action to enforce or declare the cancellation, termination, or revision of the Agreement, the prevailing party in such action or proceeding shall be entitled to receive from the other party all reasonable attorney's fees and costs incurred in connection therewith.

**23. AMENDMENT.**

This Agreement may be modified, amended, changed, added to, or subtracted from, by the mutual consent of the parties hereto, if such amendment or change is in written form and executed with the same formalities as this Agreement, and attached to the original Agreement to maintain continuity.

**24. NOTICE.**

Any notice, communication, amendments, additions, or deletions to this Agreement, including change of address of either party during the terms of this Agreement, which Contractor or County shall be required, or may desire, to make, shall be in writing and may be personally served, or sent by prepaid first class mail to, the respective parties as follows:

County of Inyo	
Public Works	Department
_____	Street
P.O. Drawer Q	
_____	City and State
Independence, CA 93526	

Contractor:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name  
Street  
City and State

**25. ENTIRE AGREEMENT.**

This Agreement contains the entire agreement of the parties, and no representations, inducements, promises, or agreements otherwise between the parties not embodied herein or incorporated herein by reference, shall be of any force or effect. Further, no term or provision hereof may be changed, waived, discharged, or terminated, unless the same be in writing executed by the parties hereto.

**AGREEMENT BETWEEN COUNTY OF INYO**  
**AND** \_\_\_\_\_  
**FOR THE PROVISION OF** Waste Disposal and Recycling \_\_\_\_\_ **SERVICES**

IN WITNESS THEREOF, THE PARTIES HERETO HAVE SET THEIR HANDS AND SEALS THIS  
\_\_\_\_ DAY \_\_\_\_\_, \_\_\_\_\_.

**COUNTY OF INYO**

**CONTRACTOR**

By: \_\_\_\_\_

By: \_\_\_\_\_

Signature

Dated: \_\_\_\_\_

\_\_\_\_\_  
Type or Print Name

Dated: \_\_\_\_\_

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
County Counsel

APPROVED AS TO ACCOUNTING FORM:

\_\_\_\_\_  
County Auditor

APPROVED AS TO PERSONNEL REQUIREMENTS:

\_\_\_\_\_  
Personnel Services

APPROVED AS TO INSURANCE REQUIREMENTS:

\_\_\_\_\_  
County Risk Manager

**ATTACHMENT A**  
**AGREEMENT BETWEEN COUNTY OF INYO**  
**AND \_\_\_\_\_**  
**FOR THE PROVISION OF Waste Disposal and Recycling SERVICES**

**TERM:**

**FROM:** December 1, 2012 **TO:** November 30, 2015

**SCOPE OF WORK:**

SEE ATTACHED EXHIBIT A

**ATTACHMENT B**

**AGREEMENT BETWEEN COUNTY OF INYO**

**AND** \_\_\_\_\_  
**FOR THE PROVISION OF** Waste Disposal and Recycling **SERVICES**

**TERM:**

**FROM:** \_\_\_\_\_ **TO:** \_\_\_\_\_

**FORM W-9**

Request for Taxpayer  
Identification Number and Certification  
*(Please submit W-9 form with Contract, available on-line or by County)*

**ATTACHMENT C**

**AGREEMENT BETWEEN COUNTY OF INYO**

**AND** \_\_\_\_\_  
**FOR THE PROVISION OF** Waste Disposal and Recycling **SERVICES**

**TERM:**

**FROM:** \_\_\_\_\_ **TO:** \_\_\_\_\_

**SEE ATTACHED LICENSE PROVISIONS**



**AGENDA REQUEST FORM**  
BOARD OF SUPERVISORS  
COUNTY OF INYO

For Clerk's Use Only: <b>AGENDA NUMBER</b>  10
---

- Consent     Departmental     Correspondence Action     Public Hearing  
 Scheduled Time for     Closed Session     Informational

**FROM:** Alisha McMurtrie, Treasurer-Tax Collector

**FOR THE BOARD MEETING OF:** October 2, 2012

**SUBJECT:** Interim loan from the county treasury to the Olancha Community Service District for the 2012/13 fiscal year.

**DEPARTMENTAL RECOMMENDATION:** Adopt the attached Resolution pursuant to the provisions of Article XVI, Section 6 of the California Constitution, thereby approving an interim loan from the County Treasury to the Olancha Community Service District (District) in the aggregate amount of \$20,000.00 for the purpose of financing the District's operational costs during the 2012/13 fiscal year prior to receipt of their annual property tax apportionment.

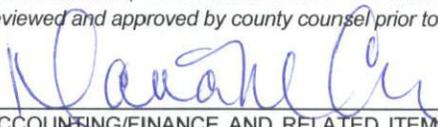
**CAO RECOMMENDATION:**

**SUMMARY DISCUSSION:** The above referenced Section of the California Constitution requires the County Treasurer to make interim loans to any district whose funds are in the custody of and paid out solely through the County Treasury. Such loans cannot exceed 85% of the district's anticipated current fiscal year annual revenue. The Inyo County Auditor-Controller has determined that the requested loan amount of \$20,000.00 does not exceed the statutory maximum amount. The County Treasurer has determined that there are sufficient funds on deposit in the County Treasury to accommodate the subject loan, and that the approval and utilization of the loan amount will not adversely impact treasury pool participants. The law requires that loans of this nature be approved by the County Board of Supervisors. The adoption of the attached resolution will result in the approval of the loan. A copy of the District's loan request in the form of their resolution is attached for your information.

**ALTERNATIVES:**

**OTHER AGENCY INVOLVEMENT:** N/A

**FINANCING:** N/A

<b>APPROVALS</b>	
COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS (Must be reviewed and approved by county counsel prior to submission to the board clerk.)  Approved: <u>yes</u> Date <u>9/13/12</u>
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS (Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)  Approved: <u>yes</u> Date <u>9/12/12</u>
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)  N/A Approved: _____ Date _____

DEPARTMENT HEAD SIGNATURE:  Date: 09-25-12  
Alisha McMurtrie, Treasurer-Tax Collector

**RESOLUTION NO. \_\_\_\_\_**

**A Resolution of the Inyo County Board of Supervisors Approving an Interim Loan to the Olancha Community Service District from the Inyo County Treasury Pursuant to Article XVI, Section 6 of the California Constitution**

WHEREAS, the provisions of Article XVI, Section 6 of the California Constitution provide that the Treasurer of any County shall have the power and duty to make such temporary transfers from the funds in custody as may be necessary to provide the funds for meeting the obligations incurred for maintenance purposes by a political subdivision whose funds are in custody and paid out solely through the Treasurer's office upon resolution adopted by the governing body of the county directing the Treasurer to make such temporary transfers; and,

WHEREAS, the Olancha Community Service District (District) has made such a request for an interim loan in the aggregate amount of \$20,000.00 for the 2012/13 fiscal year; and

WHEREAS, the amount of such request for temporary transfer does not exceed 85% of the anticipated secured property tax revenue accruing to the District for the 2012/13 fiscal year; and

WHEREAS, the District has agreed to repay the loan from revenues accruing to it in the 2012/13 fiscal year before any other obligation of the District is met; and

WHEREAS, the Inyo County Auditor-Controller is authorized to withdraw, intercept or otherwise offset against monies of the District in amounts sufficient to repay the principal and interest due on the interim loan as said monies accrue to the District,

NOW, THEREFORE, BE IT RESOLVED by the Inyo County the Board of Supervisors of the County of Inyo that, pursuant to the provisions of Article XVI, Section 6 of the California Constitution, the Inyo County Treasurer is hereby directed to make temporary transfers from the Inyo County Treasury to the District in an aggregate amount not to exceed Twenty Thousand (\$20,000.00) dollars, as such transfers are requested by the District during the 2012/13 fiscal year.

PASSED AND ADOPTED by the Board of Supervisors of the County of Inyo, State of California, this 2<sup>nd</sup> day of October 2012, by the following vote:

AYES:  
NOES:  
ABSENT:

\_\_\_\_\_  
CHAIRPERSON OF THE BOARD OF SUPERVISORS  
COUNTY OF INYO, STATE OF CALIFORNIA

*Attest:* Kevin Carunchio  
Clerk of the Board

By \_\_\_\_\_  
Deputy

RESOLUTION NO. 2012-08-01

**A RESOLUTION OF THE BOARD OF DIRECTORS,  
OLANCHA COMMUNITY SERVICES DISTRICT,  
REQUESTING A TEMPORARY LOAN FROM THE INYO COUNTY  
TREASURY.**

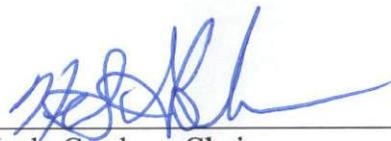
WHEREAS, the Board of Directors of the Olancha Community Services District desires to request a temporary loan during fiscal year 2012 and 13 from the Inyo County Treasury in the amount of up to \$20,000.00, to be repaid from December and/or April 2012/13 tax revenues, whichever falls after the use of funds,

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Olancha Community Services District that a loan in the amount of up to \$20,000.00 be requested and the Fire Chief/Board Secretary be authorized to sign any and all documents pertaining to said loan:

PASSED AND ADOPTED this 30<sup>th</sup> day of August, 2012, by the following vote:

**Motion passed 4 / 0.**

	AYE	NOE	ABSENT
Lu Ellen Hays	<u>X</u>	—	—
Tim Jones	<u>X</u>	—	—
Neale Gordon	<u>X</u>	—	—
Melinda Salmonds	—	—	<u>X</u>
Phil Adams	<u>X</u>	—	—

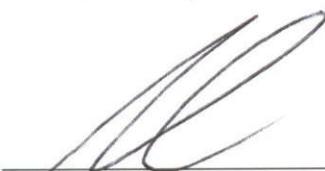


Neale Gordon, Chairperson  
Olancha Community Services  
District, Board of Directors

ATTEST:



Betty Biros, Secretary to the Board

BY:   
Steven Davis, Fire Chief



**AGENDA REQUEST FORM**  
BOARD OF SUPERVISORS  
COUNTY OF INYO

For Clerk's Use Only:  
**AGENDA NUMBER**  
13-14-15  
16-17-18  
19-20-21-22

- Consent   
 Departmental   
 Correspondence Action   
 Public Hearing  
 Scheduled Time for   
 Closed Session   
 Informational

**FROM: COUNTY COUNSEL**

**FOR THE BOARD MEETING OF: October 2, 2012**

**SUBJECT: ISSUES TO BE DISCUSSED IN CLOSED SESSION**

**DEPARTMENTAL RECOMMENDATION:**

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code § 54956.9(a)] B3 PARTNERS, LLC, an Oregon limited liability company v. The County of Inyo; the Inyo County Board of Supervisors et al., Inyo County Superior Court Case No. SICV CV 1253471**

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION [Pursuant to Government Code § 54956.9(a)] - Center for Biological Diversity, a non-profit public interest corporation; Public Employees for Environmental Responsibility, a national non-profit alliance of local, state, and federal resource professions, v. Inyo County and Inyo County Board of Supervisors, Inyo County Superior Court Case No. SICVPT 12-53821.**

**CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code § 54957.6]. - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Deputy Sheriff's Association (DSA) - Negotiators: Labor Relations Administrator, Sue Dishion, Information Services Director, Brandon Shults, and Planning Director Josh Hart.**

**CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code § 54957.6]. Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Elected Officials Assistant Association (EOAA) - Negotiators: Chief Probation Officer Jeff Thomson and Labor Relations Administrator Sue Dishion.**

**CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code § 54957.6]. - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Inyo County Correctional Officers Association (ICCOA) - Negotiators: Labor Relations Administrator Sue Dishion.**

**CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code § 54957.6]. - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: ICEA - Negotiators: Labor Relations Administrator Sue Dishion, Director Child Support Services Susanne Rizo, and Chief Probation Officer Jeff Thomson.**

**CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code § 54957.6]. - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Inyo County Probation Peace Officers Association (ICPPOA) - Negotiators: CAO Kevin Carunchio and Labor Relations Administrator Sue Dishion.**

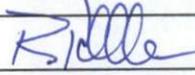
**CONFERENCE WITH LABOR NEGOTIATOR [Pursuant to Government Code § 54957.6]. - Instructions to Negotiators re: wages, salaries and benefits - Employee Organization: Law Enforcement Administrators' Association (LEAA) - Negotiators: CAO Kevin Carunchio and Labor Relations Administrator Sue Dishion.**

**PERSONNEL [PURSUANT TO GOVERNMENT CODE § 54957] - Public Employee Performance Evaluation Title: Interim Director of Public Works**

**APPROVALS**

<b>COUNTY COUNSEL:</b>	<b>AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS (Must be reviewed and approved by county counsel prior to submission to the board clerk.)</b>  
	Approved: _____ Date: <u>9-26-12</u>

**DEPARTMENT HEAD SIGNATURE:**  
 (Not to be signed until all approvals are received)  
 (The Original plus 20 copies of this document are required)


 Date: 9-26-12