

EXHIBIT 18

Letter of S. Miller & H. Gross to J.T. Reynolds & R. Mendez (Apr. 1, 2004)

**NATIONAL PARKS CONSERVATION ASSOCIATION
THE WILDERNESS SOCIETY**

April 1, 2004

J.T. Reynolds
Superintendent
Death Valley National Park
P.O. Box 579
Death Valley, CA 92328

Rene Mendez
Chief Administrative Officer
Inyo County
P.O. Drawer N
Independence, CA 93526

Dear Superintendent Reynolds and Mr. Mendez,

We are writing, on behalf of the National Parks Conservation Association (NPCA) and The Wilderness Society (TWS), to express our serious concerns regarding the recent incident in which Inyo County bulldozed a road in designated wilderness in the Greenwater Valley region of Death Valley National Park.

While we understand that this incident may have occurred in error, it constitutes a serious violation of federal law, one in which our organizations would normally encourage that law enforcement action be diligently pursued. The incident underscores the critical importance of improved and regular communication between the National Park Service and Inyo County so that such an action never happens again.

Our understanding of the events that transpired is the following: On March 11, we were notified via email that a County vehicle had illegally graded a road in designated wilderness in Death Valley National Park. The event was discovered on March 10 in the Greenwater Valley area; the grading appeared to have occurred in early March. Three road signs were placed in the National Park: two on "Lost Section Road" where the bulldozing incident occurred (one at the junction with the Greenwater Valley Road and one at the junction with the Gold Valley Road), and one at the junction of "Petro Road" and the Greenwater Valley Road.

We understand that physical damage was done to wilderness resources and to habitat of the desert tortoise, a federally Threatened species. Enclosed are several photos (taken on March 13) depicting a desert tortoise burrow directly adjacent to the plowed section of road. We also understand that a desert tortoise was seen on the berm of the newly-created road shortly after this section of road was bulldozed.

To remedy the damage caused by this situation, and to prevent this type of illegal and damaging activity from ever occurring again, we respectfully request that the following actions be taken as soon as possible:

- The National Park Service and the County should jointly develop a plan for restoration and restitution of the damaged areas. The plan should include an implementation schedule, and a reporting mechanism to assure necessary actions are being taken in a timely manner.
- The National Park Service should conduct additional monitoring of tortoise habitat and populations in the vicinity of the activity, given the fact that a tortoise burrow and a tortoise were seen in the project area. We also urge that the National Park Service engage in consultation with the U.S. Fish and Wildlife Service, to assess damage that may have occurred to tortoise habitat as a result of the bulldozing activity.
- The National Park Service should finalize its mapping of wilderness areas in Death Valley National Park and finish signing its wilderness boundaries as soon as possible. Once a draft of the mapped information is available, it should be shared with Inyo County, as should final maps when they are completed.
- It is our understanding that Inyo County routinely maintains some roads in Death Valley National Park, and that "Lost Section Road" and "Petro Road" are currently part of the County's maintained road mileage inventory. The County, in consultation with the National Park Service, should update its inventory to remove these and other "non-conforming" roads from the system as soon as possible.
- We do not understand how Inyo County placed named road signs in Death Valley National Park without consulting with the National Park Service. In the future, the National Park Service and Inyo County should coordinate to name and sign roads as agreed upon by the two agencies.
- The National Park Service and Inyo County should commit to meeting together at least twice a year to discuss road maintenance issues and plans for the coming season. It is our understanding that Caltrans normally convenes such meetings with Death Valley National Park and Inyo County, but that County participation has been sporadic.

While we deeply regret that this unfortunate incident occurred, we hope that it will trigger improved communication between the National Park Service and Inyo County, and we hope that our suggested actions will be adopted. We would appreciate a response from the National Park Service and Inyo County as to how our concerns and suggested actions will in fact be addressed.

Additionally, if there is anything our organizations can do to assist your agencies in protecting the wilderness resources of Death Valley, please do not hesitate to contact us.

Thank you for your consideration of our concerns.

Sincerely,

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CC: Inyo County Board of Supervisors
Rep. Howard "Buck" McKeon
Senator Dianne Feinstein
Senator Barbara Boxer
Jonathan Jarvis, Director, National Park Service - Pacific West Region