

RESOLUTION NO. 92-15

RESOLUTION OF INYO COUNTY
BOARD OF SUPERVISORS
IN SUPPORT OF BLM
CALIFORNIA DESERT WILDERNESS PROPOSAL

WHEREAS, the Bureau of Land Management has recommended that 2.1 million acres, which includes 46 wilderness areas in the California Desert be included in the National Wilderness system and;

WHEREAS, this proposal has the support of President George Bush and has been transmitted to Congress and;

WHEREAS, the BLM proposal reflects the thinking, hard work and testimony of all parties concerned with the California desert and;

WHEREAS, since most of the recommendations were included in the California Desert Conversation Area plan of 1980, and;


NOW, THEREFORE LET IT BE RESOLVED, that the Inyo County Board of Supervisors does hereby go on record in support of the BLM California Desert Wilderness Proposal since it best reflects the concerns of all parties. It is further ordered that copies of this resolution be sent to President George Bush, U. S. Senators Cranston and Seymour, Congressmen Thomas, Lewis, Levine, Lehman and the BLM.

PASSED AND ADOPTED this 17th day of March, 1992 by the following vote of the Inyo County Board of Supervisors:

AYES: Supervisors Bright, Campbell, Payne, Allsup and Dean

NOES: None

ABSENT: None



PAUL PAYNE, CHAIRMAN
INYO COUNTY BOARD OF SUPERVISORS

ATTEST: C. Brent Wallace
Clerk of the Board

By Kelli Lanshaw
Kelli Lanshaw, Deputy

BOARD OF SUPERVISORS FILES – MICROFICHE

[This is an illustrative index and is not complete or exhaustive.]

SUBJECT: BLM – DESERT CONSERVATION AREA + COMMITTEE

1981 Letter from Hiller, BLM District Mgr. Briefing on reQs of non-suitability for wilderness.

#26-29
Maps of CDCA

1979 Wilderness Final Intensive Inventory

#25
August 4, 1980: Letter to Board of Supervisors from CA Assembly representative responding to invitation to attend meeting Re: BLM Cal Desert Plan

July 28, '80 Board of Supervisors letter to Cong. Thomas Re: consistency of Desert Plan with General Plan

Aug. 13, '80 In Indy
To Hon. Wyman

Letter to BLM confirming meeting

Inyo County Board of Education opposed to land acquisition for park—land base.

Motion directing Planning to determine best way to respond

Resolution 80-18 Rare II Wilderness Designation

To House and Senate
Opposing rare II (FS wilderness) and NR 5578 (Burton Bill) un8.1 regional plan developed

Congressional Record

#24
BLM proposed decision intensive wilderness inventory, April 1980
Interstate units
Nev/Calif. Or/Calif

#23
OR/CA Wilderness Units

(*) Letter from IBLA, Admin, Judge reference Inyo County Appeal IBLA 80-851
WSA CA-00-060, 063, 065, 068

Outside the CDCA

Minutes Dec 9, '80

Authorize County to join suit by AG "against BLM California Desert Plan"

Nov 18, '80 P.D. staff report, Calif. Desert Cons. Plan

Resolution 80-124 – Opposed CDCA plan

* Earlier resolutions 78-111; 79-40; 79-120; 80-51

* Object to ACEC plan to closed Greenwater Canyon County Road

Res 80-124- Object to not circulating appendixes. One proposes closing a County road.

Cohen Letter: 10/24/80 Wyman presented County resolution

Resolution 80-51 -- on the draft California Desert Plan

Oct. 21, '80 - BLM letter extending comment period

Hearing Notices – California Legislature

#22

F.R. Vol. 46, 1.16.81, P 4462

BLM wilderness guidelines

BLM letter: 12-31-80

Andres news release 12-22-80

BLM Interstate report 11-14-80

Final decision interstate units (none in Inyo)

#21

Minutes 12-8-81

Letter to Sec. Watt Re: lack up local rep on Calif. Desert Dist. Advisory Council

P.D. letter 12-1-81 letter to Board of Supervisors

Letter to Watt 12-1-81 from Board of Supervisors

California Opr. letter 8-21-81 – Sagebrush Rebellion

(*)Department of Interior, BLM letter: 12-28-79

Protest on final wilderness inventory

Study phase will develop BLM's final recommendations on wilderness suitability of each WSA.

6-2-81 Order of Board of Supervisors

P.D. Report 5-21-81

45 FR 83780: Draft Wilderness Study Policy

Order: 2-24-81 Board fully supports suit against BLM Desert Plan

#20

BLM: letter 5-21-82

30-day review of CDCA plan

(*) Resolution 82-51

BLM letter to Board of Supervisors (Muth) 1/29/82 from Hiller, BLM Dist. Mgr.

Inyo County submitted no proposals in '81

Has suggestions for '82

BLM D.C. to Irwin 1-15-82

Respond to complaint of no reps. on Desert Advisory Council

Board of Supervisors Order 1-26-82

Include Inyo in appeal by Am. Motorcycle Assoc. of lawsuit against BLM Desert Plan

#19

BLM letter 6-8-83

Second amendment to plan (1982) completed

Prather Petition against ORV use of Panamint dunes 4-25-83

82 FEIS CDCA Plan – '82 Plan amendments

* Memo to Board of Supervisors from Planning 11-29-82

Planning approved at Desert Plan Advisory Council to advocate changes.

BLM letter 9-16-82 to Planning – thanks for rec. for Council members

#18

(*) Board of Supervisors Order 8-7-84

Directing letter supporting Supervisor Johnson's continued membership on Desert Plan Advisory Council

(* P.D. memo to Board of Supervisors, 7-20-84
Requesting Board of Supervisors action Re: Johnson's membership on Council

3rd Amendment (1983) to CDCA Plan

5-15-84 BLM letter to Board of Supervisors (Bremer) Re: Long term visitor areas

Evaluation of BLM performance (request for input)

CDCA Plan completed in 1980

(Materials re: Benton/Owens Valley Plan)

Resolution 83-88 Benton/Owens Valley/Bodie/Coleville WSA's
Oppose wilderness & WSA

Board of Supervisors letter Re: Benton/Owens Valley areas to BLM 10-25-83
Resolution 80-99 still applies

Board of Supervisors letter to BLM state director 2-5-80 Re: Benton/Owens Valley

Resolution 80-99 Benton-Owens Valley Plan
Comments

(* 11-2-83 Pete Wilson letter – acknowledge receipt of Resolution 83-88

(* Board of Supervisors Order 11-1-83 – Dismiss case against BLM over CDCA Plan

Information Re: National Parks Protection Act

#17 Benton-Owens Valley Materials

Fed. Reg. - Fish Slough area

(* Ft Independence Reservation Resolution #85-05

(* What is a vehicle route Allen Akin 1985

BLM letter 2-28-85 announcing review of CDCA Plan
- request for amendments

Benton/Coleville materials

(* Board of Supervisors Order 2-5-85
Authorize Johnson to be chair of Public Land Users Alliance

(*) Inventory fact sheet - BLM December 1984
Inventory, study, recommendation process

(*) Resolution 85-22 Oppose BLM wilderness S.A. in California
With atch's
Appeal to IBCA

(*) Board of Supervisors letter 4-9-85 [Resolution 83-88 referenced]
with atch's
BLM WSA in California - process explanation

Bakersfield District Advisory Council Minutes 12-2-83
Benton/Owens Valley

#15
Minutes (continued) Benton/Owens Valley materials

#14
Amendments to ACEC

Comments to '84 amendments to California Desert Plan
Benton/owens Valley

Last Chance Canyon ACEC?

(*) BLM (state office letter) 6-28-85
Appeal not appropriate because wilderness regs. are preliminary
"No final wilderness decision has been made upon which an appeal can be filed"

Appeal of Inyo (Same as above)

#13
Text change amendments to Desert Plan

Interim management policy and guidelines for lands under wilderness review 12-12-79

(*) Board of Supervisors Resolution 85-102 supporting Supervisor Calkins to Advisory
Council

ROD - 84 Plan amendments DOI, BLM

(*) Amendment 1C - Last Chance Canyon ACEC 21

#12
EA continued

#11 EA ? - Description of WSA

CDCA Plan draft EA of amendments January 1982

BLM letter 1-18-82 informing of comment period

#10

EA continued

#9

EA continued

#8

BLM – Notice of Establishment of CDCA Advisory Committee

(*) Resolution 76-170 Requesting adequate representation on CDCA Advisory Committee 12-20-76

Dickman letter requesting appointment 12-10-76.

Petition requesting local representative on committee.

(*) Cranston letter to Board of Supervisors acknowledging County letter re: CDCA 3-20-74

(*) BLM letter – California Desert Plan 9-6-73

Final intensive inventory, BLM December 1979.

#7

(*) Memo to Board of Supervisors from P.C. -- BLM Inventory 11-28-78

Desert Citizens Committee Res. and letter

(*) Planning Department notice to Southern Owens Valley Committee 10-25-78.

(*) Board of Supervisors (McDonald) letter to Calif Desert Advisory Committee 10-19-78

(*) High Desert Scribe letter to Supervisor McDonald 10-2-78

(*) Randolph letter 9-27-78

(*) Southern Inyo Rescue Squad letter 8-20-78

(*) Resolution 78-111 On CDCA inventory and study program

(* Board of Supervisors Order 12-20-77

(* Report to Board of Supervisors from Supervisor McDonald 12-19-77

(* Mono County Resolution 76-192 Support of London to serve on CDCA Advisory Committee

(* Board of Supervisors Order 3-1-77 Receipt of invitation to council meeting – first one- on 3-7, 8-78

BLM Ranger Program materials

(* BLM letter 2-2-77 announcing CDCA Advisory Committee creation.

CDCA Committee Charter

(* Proof of Publication Re: Committee

(* Resolution 76-172 – Nomination of committee.

State BLM letter 11-22-76(?) - forwarding draft charger for committee

(* Resolution 76-171 Requesting seat on committee

Dickman resume'

(* Bromley letter to BLM forwarding resolutions 12-20-76.

#6

Multiple use classifications

(* Resolution 79-40 on CDCA inventory and study program

(* Board of Supervisors Order 5-8-79
- Send County wilderness map to BLM.

(* BLM notice of Community meetings.

(* 44 FR No. 63 Notice page 19044 3-30-79
- Creation of WSA's.

BLM News Release

(* BLM letter to Board of Supervisors with WSA maps.

(* Board of Supervisors Order 4-3-79.

Letters to Board of Supervisors re: wilderness.

(* California Desert Advisory Committee letter to Board of Supervisors 11-7-78

#5

BLM Handout on CDCA Plan

(* Invitation to comment 6-20-81.

Forest Service R-5 Planning Process

(* Resolution 79-120 Inyo Alternative to CDCA Plan

(* BLM letter 11-15-79 – Thanks for the input.

Board of Supervisors correspondence regarding plan and 79-120.

(* BLM letter to Planning Department 4-26-79 with map

Northern Owens Valley Citizens Advisory Committee minutes 4-24-79.

Citizens Advisory Committee minutes – comments on County proposed map.

Anaconda letter Re: activities in WSA 145 4-30-79, 11-28-78.

Archeological Survey of Mining Claim Areas

#4

Citizen Petitions – Thanks for Passing 78-111.

(* P. C. memo to Board of Supervisors 4-28-80.

(* BLM letter approving CDCA Plan 6-1-81.

Plan Summary - BLM

#3

Petitions

#2

Report on progress of CDCA interim management plan.

Errata – Draft Wilderness Inventory 11-20-78.

#1

(*) BLM letter 4-24-81 – Briefing to Board of Supervisors on WSA's in Inyo

(*) 1st Report to Congress – CDCA

SUBJECT: ROAD DEPARTMENT MAINTAINED MILEAGE

#3

* 9-29-75 Computer Run

- 2046 (Last Chance) 6.96 miles
- 5003 (Petro Road) 16.810 miles
- 5010A (Lost Section Road) 3.09 miles
- 5030 (Padre Point Road) .6 miles

* Key to coded info 9-29-75

* Res 76-51

#5

Res 75-58

SUBJECT: ROAD DEPARTMENT – INDEX TO COUNTY ROADS

SUBJECT: ROAD DEPARTMENT – ROADS; PADRE CROWLEY POINT

* Res 10-7-57: Taking into County Road system

SUBJECT: BLM – U.S. SENATE HEARING

Testimony re: S.57 Desert – Calif. Desert Protection Act of 1987

Subcommittee on Public Lands, National Parks & Forests

Hearing on S. 7

July 21, 1987

To create three new national Parks and Designate 8.5 million acres as

wilderness

3 of 34

* Res 87-22

14 of 34

* Stmt of Keith Bright, Supervisor

* Bright Prepared Stmt

* Step Too Far

* Transcript p. 283

21 of 34

* Stmt of John Treacy, Inyo Treasurer / 708-709

* Treacy memo to CAO

27 of 34
* Res 86-10

28 of 34
* Res 86-10
* Res 78-111

pw:litigation:RE2477:Notes from Randy's Research

TO: Dennis L. Myers
FROM: Gerald Budlong
DATE: January 5, 1981

Neil Pflub (director California Desert Plan). several things stand out in my mind. First is a statement of 30,000 copies of the EIS and Plan sent to the public, but in old phone conversation between myself and either him or his staff, I don't recall which, I distinctly remember them saying only 2,000 copies of the appendices were printed; and, some of the appendices were out of print.

The other thing that comes of mind is his statement that all appendices were sent out before October 16, 1980. This is not true. I kept requesting verbally with him and his staff for the wild horse/burro and grazing appendices and I finally received a copy on November 3, 1980. The last point from Pflub's Affidavit concerned his statement that the BLM mailed all appendices to the 103 Federal Depository Libraries throughout California and 40 libraries within the CDCA. In my opinion this is not correct. When I was unable to review the wild horse and burro grazing appendices because I hadn't received any of them, I inquired with the Inyo County Librarian Jay Ector if he had a copy of the above named appendices. Mr. Ector replied that no, he hadn't, and he later called the BLM for copies of the whole plan including all the appendices. For more information please inquire with Mr. Ector.

Burros being added

1 DENNIS L. MYERS
2 County Counsel of
3 Inyo County
4 P. O. Box 428
5 Inyo County Courthouse
6 Independence, California 93526
7 Telephone: (714) 878-2411

8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE CENTRAL DISTRICT OF CALIFORNIA

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COUNTY OF INYO, a political) Civ.
subdivision of the State of)
California,)
Plaintiff,) DECLARATION
vs.)
CECIL D. ANDRUS, in his official)
capacity as Secretary of the)
United States Department of the)
Interior; UNITED STATES BUREAU)
OF LAND MANAGEMENT; W. FRANK)
GREGG, in his official capacity)
as Director of the Bureau of)
Land Management; JAMES B. RUCH,)
in his official capacity as)
California State Director,)
Bureau of Land Management, and)
the UNITED STATES DEPARTMENT)
OF INTERIOR,)
Defendants.)

24
25 I, GERALD M. BUDLONG declare as follows:

- 26 1. I am an employee of Inyo County presently holding
27 the position of Associate Planner in the Planning Department.
28 2. I presently have the assignment of up-dating the

1 General Plan for the County of Inyo. Recently I have been working
2 on the open space and conservation element of said plan.

3 3. Due to my involvement with the General Plan especial-
4 ly the open space and conservation element I have been closely
5 involved with the Bureau of Land Management and their preparation
6 of the California Desert Conservation Area Plan and the Final En-
7 vironmental Impact Statement and proposed plan for the California
8 Desert Conservation Area.

9 4. Briefly my background is that I have been employed
10 by Inyo County for the last two and one-half years as an Associate
11 Planner. My educational background includes a Masters Degree in
12 geography from California State University at Chico and a
13 Bachelor's Degree in geography from Cal State Northridge.

14 5. The California Desert Conservation Area includes
15 three million, thirteen thousand, nine hundred sixty (3,013,960)
16 acres of Inyo County or 46.4 percent of its total land area.
17 Inyo County also includes the Death Valley National Monument,
18 portions of the U. S. Naval Weapons Center (range portion).
19 Excluding the Owens Valley area the portions mentioned above
20 cover 81.4 percent of the County's land area. The Owens Valley
21 area which makes up 1,210,240 acres of Inyo County (18.6% of
22 the land area) includes portions of Inyo National Forest, the
23 John Muir Wilderness Area, various Indian Reservations, and lands
24 owned by the City of Los Angeles, Department of Water and Power.
25 Thus, private land ownership in the County of Inyo, a County of
26 10,141 square miles, is only about 1.8 percent of the total land
27 area.

28 6. Our office received the first volume of the "Final

1 Environmental Impact Statement Proposed Plan" prepared by the
2 Bureau of Land Management (BLM) on or about October 3, 1980.
3 After the initial volume, we received seven (7) additional
4 appendix's over a period of one month. We discovered by close
5 review of said appendix's that they contain very detailed policy
6 statements. For example, the proposed plan "Greenwater Canyon"
7 designated by the number 9, California Desert Conservation Area
8 Map attached in the first volume, states generally that in said
9 area there will be control of user vehicle access.

10 Yet, in Appendix Volume C, page 7 an explicit plan
11 for Greenwater Canyon is laid out with one of the management
12 prescriptions being the blocking of vehicle access to north and
13 south entrances to canyon. This would entail blocking an already
14 existing county road which has been there for many, many years.
15 We received Volume C on October 14, 1980. Another example of
16 details which were picked up in the later appendix's is the
17 Darwin Falls/Canyons designated as Number 6 on the map in the
18 first volume. The area is very generally referred to on a chart
19 on page 99 of said volume and speaks to some general controls
20 including user vehicle access, increased field presence, grazing
21 burros and the limitation of water development; yet in appendix
22 volume C, page 5 specific management prescriptions are laid out.
23 That is, the cancelling or the acquiring of existing water rights
24 of the Panamint Springs Resort and the prohibition of shooting
25 within the area which was not even mentioned in the original
26 volume. Also, setting forth the boundaries of the area of critical
27 environmental concern (ACEC) the Darwin Falls area itself was left
28 out (see Final Environmental Impact Statement in proposed plan

1 map following page 102). The two examples mentioned are typical
2 of the detail which is found in the appendix and which was not
3 found in the original volume.

4 7. We have found numerous technical errors in the
5 original volume and in the appendix such as excluding Darwin Falls
6 from the ACEC. Also, we feel that much more detail such as maps
7 and so forth could have gone into the entire plan.

8 8. Our office did not receive appendix volume F until
9 November 3, 1980. Said appendix was not mailed to us until we
10 requested same, while all of the others were mailed to us through-
11 out the month of October. Thus, we had only 18 days to review
12 said volume.

13 9. I have reviewed Exhibit C (Resolution of the
14 Board of Supervisors, County of Inyo Number 80-124), and its
15 attached Exhibit "A" and can verify the accuracy of said document.

16 10. I have made a review of consistency between the BLM
17 California Desert Plan and Inyo County's 1973 Conservation and
18 Open-Space Elements of the General Plan. The following are in-
19 consistencies which I have discovered:

20 a. The objectives of the County Plan
21 are inconsistent as to agriculture
22 on lands which have favorable slope,
23 climate and soils. Agriculture is
24 not permitted on federal lands in
25 the California Desert planning
26 portion of Inyo County in seven out
27 of ten areas which it is permitted
28 under the existing Inyo County plan.

1 b. Inyo County's plan calls for the conser-
2 vation and management of the lands for the pro-
3 duction of minerals, while the California
4 Desert Plan places eighty-five percent
5 of the Inyo County portion of the plan-
6 ning area into Class "C" and Class "L".
7 This could result in a severe impact on
8 the extraction and utilization of mineral
9 resources.

10 c. Inyo County's plan calls for the conser-
11 vation and management of land needed for
12 water supply while the Desert plan spells
13 out plans to take away water rights of
14 private property in the Searles and
15 Panamint Valleys.

16 d. Inyo's plan calls for ample land for recre-
17 ation while the Desert plan has prohibited
18 totally all previously established off-
19 road vehicle (ORV) free play areas in Inyo
20 County. The closest point for ORV free
21 play areas will be San Bernardino County
22 quite some distance for our citizens.
23 This limitation also fringes upon the ac-
24 cess to "rock hound" areas.

25 e. The limitation placed upon eighty-five
26 percent of the land in the Inyo County
27 portion of the planning area will limit
28 access for native Americans to visit

1 religious and sacred sites. They will not
2 be able to travel to said sites by motorized
3 vehicles.

4 f. I have discussed this issue with Vernon Miller
5 who is a member of the Piute-Shoshone Tribe
6 who is also a member of one of my Citizens
7 Review Committees for the Inyo County General
8 Plan who expressed concern about access to
9 Indian religious sites.

10 g. The present County General Plan encourages
11 public agencies to lease more land for
12 agricultural purposes while the California
13 Desert Plan does not allow the leasing of
14 any federal land for agriculture.

15 11. I also have been in charge of preparing a proposed
16 open-space and conservation element of the General Plan. The
17 California General Plan is inconsistent with our proposed plan
18 in the following aspects:

19 (a) BLM does not consider the public
20 recreation use of Haiwee reservoir.

21 (b) BLM does not consider a one-way
22 primitive four-wheel drive from
23 Saline Valley to Eureka Valley.

24 (c) An ACEC is needed at Sands Springs
25 to protect the rare and endangered
26 plants.

27 (d) BLM fails to address 128,720 acres
28 of potential agricultural development.

- 1 (e) The plans placing of eighty-five per-
2 cent of the Inyo portion of the plan-
3 ning area into Class "C" and "L" would
4 have a severe impact on the mining in-
5 dustry.
- 6 (f) Among other inconsistencies is the place-
7 ment of federal land use controls on
8 private property at Cerro Gordo, the
9 closing of Greenwater Canyon Road, a
10 County Road, the inconsistency of the
11 boundaries of the ACEC at Amargosa
12 River, where BLM missed the river by
13 two (2) miles.
- 14 (g) BLM's map placed the ACEC on the
15 wrong side of the community.
- 16 (h) BLM has closed all the remaining sand
17 dune systems in the County by closing
18 the Panamint Dunes.
- 19 (i) The plan does not recognize any corridors
20 for any future electronic transmission
21 lines from alternative sources of energy
22 in Inyo County with the exception of the
23 Coso Geothermal Known Geothermal Resource
24 Area (KGRA).
- 25 (j) BLM does not consider any corridors for
26 energy pipe lines in Inyo County.
- 27 (k) The BLM will retain the burro range where
28 it will severely impact pristine desert

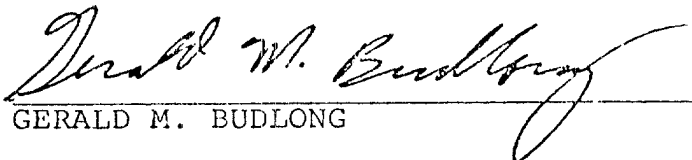
1 canyons out of the Eureka sand-
2 dunes.

3 12. During the comment period, we commented extensively
4 upon the proposed plan. (See Exhibit B attached hereto and by
5 this reference incorporated herein). A close examination of the
6 Final EIS and proposed plan reveals that none of Inyo County's
7 comments were mentioned or addressed.

8 13. Inyo County Resolution 80-51 and its attached
9 Exhibit "A" were prepared as comments to the Draft EIS of the
10 California Desert Plan, and unanimously approved by the Board of
11 Supervisors and mailed to the California Desert Planning staff
12 in a timely manner.

13 I declare under penalty of perjury that the foregoing
14 is true and correct.

15 Executed this 12th day of December 1980, at Independence,
16 California.

17 
18 GERALD M. BUDLONG

DECLARATION

1
2 I, GERALD M. BUDLONG declare as follows:

3 1. I am an employee of Inyo County presently holding
4 the position of Associate Planner in the Planning Department.

5 2. I presently have the assignment of updating the
6 General Plan for the County of Inyo. Recently I have been working
7 on the open-space and conservation element of said plan.

8 3. Due to my involvement with the General Plan, es-
9 pecially the open-space and conservation element, I have been
10 closely involved with the Bureau of Land Management and their
11 preparation of the California Desert Conservation Area Plan and
12 the Final Environmental Impact Statement and Proposed Plan for
13 the California Desert Conservation Area (CDCA).

14 4. Recently I have had the opportunity to review the
15 Department of Interior Bureau of Land Management California Desert
16 Conservation Area Final Plan record of decision dated December 1980
17 which was filed in the case of American Motorcyclist Association
18 et cetera, et al., vs. Cecil D. Andrus, et cetera, et al., presently
19 at issue in the United States District Court, Central District of
20 California.

21 5. Briefly my background is that I have been employed
22 by Inyo County for the last two and one-half years as an Associate
23 Planner. My educational background includes a Masters Degree in
24 geography from California State University at Chico and a Bachelor's
25 Degree in geography from Cal State University at Northridge.

26 6. On or about December 15, 1980, I executed a declara-
27 tion which was filed on said date in the above referenced case.
28 I incorporate by reference everything stated in said declaration

1 in this declaration as though fully set forth at this point.

2 7. In Appendix Volume C of the Final EIS in the pro-
3 posed plan of the CDCA page 7, the Greenwater Canyon ACEC is
4 discussed. One of the management prescriptions includes the
5 blocking of vehicle access to the north and south entrances to
6 the canyon. Attached to this declaration as Exhibit "A" is a
7 map which I have prepared which shows the result of said closure.
8 The area in purple on Exhibit "A" will be closed as I understand
9 it. The areas in red to the northeast of said road are patented
10 mining claims of U.S. Borax. The closure of said road may elimin-
11 ate access to said patented mining claims. I have examined the
12 Federal Aid Secondary Road Map for this area of Inyo County and
13 have determined that the road designated to be closed is a
14 County road (see Exhibit "B" area in purple is said closed road,
15 Exhibit "B" was prepared by U.S. Department of Transportation and
16 is self-explanatory).

17 8. Regarding Eureka Valley Dunes ACEC (Appendix Volume
18 C, Appendix IV, page 2) there is no discussion pertaining to the
19 Saline Valley-Eureka Valley Corridor, an existing primitive road.
20 The lack of discussion gives the impression that it will be closed.
21 This will have the impact of denying recreational vehicles one less
22 place to travel and furthermore, eliminates an emergency alterna-
23 tive road in case the County roads are washed out. We have recom-
24 mended that in our proposed general plan open-space conservation
25 element that said road be a one-way corridor from Saline Valley
26 to Eureka Valley. This would provide the opportunity for recrea-
27 tionists, geologists, handicapped people, elderly, and others to
28 see this beautiful pristine environment. If this area is designated

1 wilderness, in my opinion and in the opinion of the Inyo County
2 Planning Department there needs to be a route through the area
3 to enable people to see it.

4 9. The following is a discussion of various ACEC's
5 set forth in Appendix Volume C:

6 (a) Saline Valley ACEC (Volume C, page 3) Management
7 Prescription No. 2 requires BLM to obtain non
8 BLM lands through exchange or purchase. This
9 would involve 400 acres of private land, in-
10 cluding 80 acres of USA Bureau of Indian Affairs
11 Trust lands held under the name of Sarah Hunter.
12 (see Exhibit "C" attached hereto which shows
13 private lands in red).

14 (b) The Cerro Gordo ACEC. This ACEC involves the
15 inclusion of 1455.96 acres of private patented
16 mining lands (see Exhibit "D" where the private
17 lands are indicated in red). The Management
18 Prescription in this ACEC would restrict ve-
19 hicle access to approved routes which places
20 BLM in the position of deciding what constitutes
21 an approved route to and on 1455.96 acres of
22 private property. This prescription could limit
23 access to the private property by restricting
24 access over Federal lands. The other Management
25 Prescriptions would place a legal burden on pri-
26 vate lands such as the placement of signs which
27 • would regulate both private and Federal property,
28 designating archaeological and historical sites

1 on private lands which are within the police power
2 of the County, and regulating private landowners
3 and property owners through contractual agreements.

4 By restricting vehicular access to
5 approved routes BLM is inhibiting mining and
6 mineral exploration in an area which has historically
7 and presently an important mineral resource. Said
8 patented mining claims as outlined in Exhibit "D"
9 all pay property taxes to the County of Inyo.
10 (CDCA Appendix Volume C, pages 3-4).

11 (c) The Darwin Falls ACEC. The Darwin Falls ACEC
12 Management Prescriptions have an effect upon
13 private land within Inyo County. Particularly
14 the Panamint Springs Resort wherein they intend
15 to cancel or acquire existing water rights of the
16 Panamint Springs resort. Said resort is presently
17 on the tax rolls of Inyo County and consists of a
18 small campground, a motel and a few private houses.
19 Cancelling water rights of the resort would eliminate
20 it as a viable piece of private property. Management
21 Prescription No. 8 prohibits shooting within the
22 ACEC. This area is a primary hunting area at the
23 present time for quail, dove and chukar. By elimi-
24 nating shooting in the area the ACEC would effectively
25 eliminate hunting by the public. (CDCA Appendix Vol.
26 C, page 4-5).

27 • (d) The Surprise Canyon ACEC. Within the Surprise Canyon
28 ACEC there is approximately 479 acres of patented

1 lands (see Exhibit "E" Surprise Canyon ACEC wherein
2 the private lands are indicated in red). Management
3 Prescription No. 4 allows vehicle use on approved
4 routes thereby threatening future access to the
5 patented lands since access is possible only over
6 Federally owned lands (see Exhibit "E"). Management
7 Prescription No. 9 speaks of acquiring key private
8 parcel and to acquire is appropriate. Acquisition
9 of a private parcel will remove same from the tax
10 rolls of Inyo County. I know of at least one on-
11 going mining project which is within the ACEC bound-
12 aries. The inhibition for mineral exploration once
13 again effects this industry in Inyo County. (CDCA
14 Appendix Vol. C, page 6-7).

15 (e) Great Falls Basin Area ACEC. This ACEC described
16 in CDCA Appendix Vol. C, page 9-10 borders the
17 Homewood Canyon area which forms an inclave into
18 the Great Falls Basin ACEC (see Exhibit "E" wherein
19 private holdings are indicated in red) and the
20 Indian Joe Springs area which is mostly privately
21 held which also forms an inclave. The Homewood Canyon
22 area of Inyo County is a populated area consisting
23 of approximately 50 to 100 people. The Homewood
24 Canyon Community consists of 587.9 acres of patented
25 land and is designated on the Inyo County Plan as an
26 urban rural community. A portion of the Indian Joe
27 Springs area consists of 760 acres of land is also
28 designated on our Proposed General Plan as urban

1 rural community. In addition to those lands previously
2 mentioned there are additional patent lands surrounding
3 the ACEC amounting to 80 acres owned by the Kerr-McGee
4 Corporation. This ACEC is close to a populated area in
5 San Bernardino County (Trona) as well as an unincorporated
6 populated area other than Homewood Canyon in Inyo County
7 known as Pioneer Point (see Management Prescription No.
8 acquiring private land as well as Management Prescrip-
9 tion No. 4, (the acquisition or monitoring of water
10 rights) is that there is very little potable water in
11 the region. The only known area for potable water in
12 the region is in the Argus Mountain Range (which is
13 located in the ACEC). Any curtailment of existing or
14 potential water supply would greatly curtail develop-
15 ment in the urban-rural communities surrounding the
16 Trona area. Since Inyo County has very little private
17 land (less than 1.8% of the County), limiting develop-
18 ment in this area would have a significant impact
19 upon the economy of the County.

20 Homewood Canyon consists of a mixed economic
21 group, consisting of high income housing, as well
22 as moderate and lower income housing. Most of the
23 people who live in this region are employees of Kerr-
24 McGee Corporation or are employed in service industries
25 connected with Kerr-McGee's operations. There is
26 very limited housing in this region and if the

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housing in Inyo County is curtailed by the Management Prescription set forth in the Great Falls Basin ACEC it will cause the residents to have to relocate at great expense to them and the County will lose tax revenues.

(f) Management Prescription No. 4 speaks of the acquisition of an appropriated or unused water rights which could impact some or all of the 4,027.9 acres of the Argus Range-Searles Valley portion of Inyo County and the facilities of Kerr-McGee in the community of Trona in San Bernardino County.

(g) Management Prescription No. 5 which limits vehicular use to approved routes could impact the community of Homewood Canyon or other patented lands. Management Prescription No. 7 pertaining to a hunting and shooting plan could close off portions of Federal land now used by the public for hunting chukar, quail and dove.

In summary, this ACEC is very close to a couple of urban-rural communities within southern Inyo County which service the town of Trona and the Kerr-McGee operation in both Inyo and San Bernardino Counties. The actions taken by BLM in this area could greatly affect the economy of this portion of Inyo County as well as that of the Trona area in San Bernardino County.

1 10. I have recently examined the Department of Interior
2 BLM California Desert Conservation Area Final Plan decision/record
3 of decision dated December 1980. I have found the Plan in my
4 opinion to be materially different from the Proposed Plan and
5 EIS of this CDCA previously discussed. Following are the
6 points which I consider to be materially different from that of the
7 Proposed CDCA:

8 a. Referring to page 8 (all references are
9 to Department of Interior Bureau of Land Management
10 California Desert Conservation Area Final Plan
11 Decision/Record of Decision, December 1980, filed
12 in this case on or about the 8th of January 1981
13 by U.S. Government). Number 7 which speaks to the
14 motorized vehicle access program together with recom-
15 mended decision on page 12 state that "Class L-Access is
16 closed unless specifically opened" and Class M-Access is
17 open unless specifically closed". This interpretation
18 of the designations in the Plan were never presented
19 to the public for public review. The guidelines in
20 the Proposed Plan of the CDCA stated on page -10 that
21 motorized vehicle use is allowed on approved routes of
22 travel. Nothing was said which reflects the interpre-
23 tation that said routes of travel are closed unless
24 specifically designated open. This has now been
25 amended under the decision document (see page 10 of
26 decision document). The first time our Department
27 • became aware of this administrative interpretation was
28 when we read the decision document signed by Assistant

1 Secretary Guy Martin.

2 b. Reference is made to pages 13 and 14,
3 allowance of sand and gravel extraction. The
4 recommended decision was never presented in the
5 Proposed Plan to Inyo County or its Road Depart-
6 ment. Now there has been a significant change,
7 requiring an EIS on all new sites in excess of
8 five (5) acres or on sites of less than five (5)
9 acres where the environmental assessment indicates
10 a significant level of adverse impact (see 10 of
11 the decision document).

12 c. Referring again to page 14(c), mandatory
13 EIS requirements for the Plan of Operations In-
14 volving Locatable Minerals. Read in conjunction
15 with page P-9, there has been a significant change.
16 The use restrictions for operations involving lo-
17 catable minerals formerly under Class "L" only,
18 have now been repeated under both classes "M" and
19 "I" placing all mining operations under 43 CFR
20 § 3809. We have not been afforded an opportunity
21 to comment on this significant change.

22 d. Referring to page 15(e) (allowance of wind,
23 solar, and geothermal power plants) read in con-
24 junction with page P-7, the final plan requires
25 an EIS and L,M, in intense I areas for geothermal
26 power plants. This is a significant change on
27 • which we did not have the opportunity to comment.

28 e. Referring to page 18 of the recommended

1 decision, we have yet to have been informed as
2 to what the routes of travel are in Class C are.
3 No maps have been provided to date.

4 f. Referring to pages 20 and 21, number 2,
5 under the livestock element the Proposed Plan never
6 discussed the crucial tortoise habitat in Inyo
7 County if any. Therefore, we don't know the impact
8 upon grazing in our County the recommended decision
9 will have. We need more information from the BLM
10 in order to fully assess the further consideration
11 of the tortoise emergence and its effect on live-
12 stock grazing, one of our principal industries.

13 g. Referring to page 21, number 3, "further
14 protection for the Mohave [sic] ground squirrel
15 which recommends off-road vehicle restrictions to
16 protect the squirrel habitat as well as sheep
17 restrictions and a multiple use classification to
18 protect said habitat. Reference is made to Exhibit
19 "F" attached hereto and by this reference incorporated
20 herein. The area designated in red on said map is
21 the protection area of the Mojave ground squirrel
22 set forth in the desert plan on the map following
23 page P-31 (CDCA, FIS and Proposed Plan). The area
24 indicated in green is the area designated as the cru-
25 cial habitat of the Mojave ground squirrel identified
26 in the Proposed Plan (Map No. 8 following page P-31).
27 Thus, the Proposed Plan is internally inconsistent
28 as to which area is the crucial habitat and as to

1 which area should be protected. There is no documenta-
2 tion for the protection area as set forth in the Plan.
3 Within said protection area there is private property
4 including Dunmovin, an urban rural community, and
5 Rose Valley Ranch as well Coso Junction. Thus, the
6 Final Plan now places restrictions on an area with-
7 out justification. Furthermore, in a recent FEIS
8 prepared by the Bakersfield District Office Department
9 of the Interior, Bureau of Land Management published
10 in September 1980, called "Proposed leasing within
11 the Coso Known Geothermal Resource Area" BLM finds
12 that in the same area regarding the Mojave ground
13 squirrel, was found to be widely distributed
14 through all habitats without any specific area being
15 designated crucial habitat (KGRA page 2-97 and figure
16 2.7.2-1 "Sensitive wildlife habitat areas of CGSA".
17 The Coso geothermal plan further discloses that the
18 United States Navy at the Naval Weapons Center, China
19 Lake, California, are referring to the same area
20 Captain Ives states as follows: "The Mojave Ground
21 Squirrel exists around China Lake and Ridgecrest in
22 numbers sufficient to be considered common to this
23 area. While some population surveys of this rodent
24 should be conducted on a site-specific basis during
25 the development phases, it is not believed that the
26 CGSA [Coso Geothermal Study Area] contains a habitat
27 critical to the existence of this species." (Coso
28 KCRA FEIS page 8-82) Reinforcing the Navy's comment

1 the BLM Administration in Bakersfield stated
2 "Thank you; our findings concur with your comment."
3 (Page 8-39). Thus, in summary, the Final Plan
4 now imposes restrictions to protect the Mojave
5 Ground Squirrel where according to the Navy and
6 the Bakersfield BLM office none is required and
7 according to the Proposed Plan is in the wrong
8 place.

9 h. Referring to page 24, item 9, two areas
10 were added as Wilderness Study Areas: Little
11 Sand Spring (WSA 119) and the Funeral Mountains
12 (WSA 143). I believe that this a material dif-
13 ference between the Proposed Plan and the Final
14 Plan. In particular, I am concerned with the
15 Little Sand Spring WSA.

16 Reference is made to Exhibit "G" attached
17 hereto and incorporated by this reference herein
18 as though fully set forth at this point. We have
19 not had the opportunity to comment on the Proposed
20 Little Sand Spring Wilderness. As the map indi-
21 cates in red there is a road which is maintained
22 by the County known as Death Valley Road and we
23 are now uncertain as to its future. Also, in
24 brown, are two County right-of-ways with no ex-
25 isting road. Their future is now in doubt since
26 this area is now a WSA. We need time to thoroughly
27 examine and study this new proposal (WSA 119) and
28 have input from our road department and road

1 commissioner. The Death Valley Road is an im-
2 portant access road to the northern area of Death
3 Valley from the community of Big Pine, California.
4 It is the fastest route between Northern Inyo County
5 which is the most populated area, to Las Vegas,
6 Nevada. We also need to study the effects this
7 designation will have on the County's rights-of
8 way where there is no road.

9 i. Reference is made to Exhibit "H" attached
10 hereto and by this reference incorporated herein.
11 WSA 119 includes six (6) roadless areas (designated
12 by light green) which are less than 5,000 acres in
13 size which do not meet the criteria under the Wilder-
14 ness Act. The Wilderness Area Boundaries fail to
15 include the only site in California which contain
16 an extremely rare and endangered plant (see Exhibit
17 "H"). Thus, if one of the purposes of the WSA which
18 protect this plant species, it fails. I have pointed
19 out some of the problems with WSA 119. This is
20 illustrative of the material differences between the
21 Proposed Plan and the Final Plan as signed by the
22 Secretary.

23 j. Reference is made to page 24 9(b) which
24 added three (3) ACEC's, dropping the "Deep Springs Valley
25 Black Toad habitat". If we had the opportunity to
26 comment we would have protested. Reference is made
27 • to Exhibit "H" attached hereto and by this reference
28 incorporated herein. The U. S. Fish and Wildlife Service

1 have identified a certain area of Inyo
2 County as designated on Exhibit "H" is the crucial
3 habitat of the black toad. By eliminating the
4 proposed ACEC, BLM are failing to protect a rare
5 and endangered species. Inyo County feels it is
6 important to protect the black toad habitat and
7 thus were supportive of that ACEC. Once again,
8 the adopted plan is materially different from the
9 Proposed Plan.

10 k. Reference is made to page P-7 specifically
11 the discussion of transmission facilities sub-
12 heading "Districution facilities". The Proposed
13 Plan was changed in the moderate use and intensive
14 use classes' as follows: "Existing facilities may
15 be maintained and upgraded or improved in accordance
16 with existing rights-of-way grants or by amendments
17 to rights-of-ways grants. Existing facilities out-
18 side of designated corridors may only be maintained,
19 but not up-graded or improved."

20 Map 21, of the Proposed Plan labeled Energy,
21 Production and Utility Corridors designates only
22 one corridor in Inyo County which runs along the
23 western side of the Owens Valley in the north and
24 south direction. Literally interpreted the hand-
25 writing on page P-7 of the Decision document would
26 totally eliminate any expansion of distribution
27 facilities or improvements throughout the rest of
28 Inyo County. For example, there could be no upgrade

1 or improvement of any facilities in the towns of
2 Tecopa, Shoshone, Death Valley Junction, Valley
3 Crest, Searles Valley, Homewood Canyon, Panamint
4 Springs, Darwin, Keeler, Fish Lake Valley, Deep
5 Springs, Pahrump Valley, and other populated areas
6 throughout Inyo County. Most if not all mining
7 operations require electricity. This significant
8 change between the Proposed and adopted Plan would
9 eliminate any expansion of any mine and arguably
10 could eliminate any new lines to any mines through-
11 out the region.

12 Recently, the Planning Department of Inyo
13 County, was presented a Proposed Plan for in-
14 tensive agricultural development in the Pahrump
15 Valley Region on 11,000 acres of private land.
16 In order to accomplish this development, the owner
17 of said land desires to set up a power plant and
18 string transmission lines to groundwater pumps
19 throughout this area. The Management Prescription
20 set forth on page P-7 would seem to eliminate this
21 possibility if said lines would have to cross BLM
22 lands, which they would.

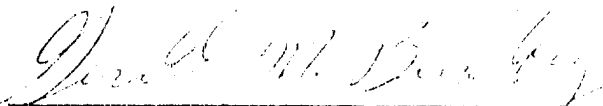
23 The Prescription set forth on page P-7 must
24 be a mistake. For one thing, it is internally
25 inconsistent. How can new distribution facilities
26 be allowed and at the same time existing facilities
27 outside designated corridors may only be maintained
28 but not up-graded or improved. This would mean that

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rather than up-grading or improving, you would just string new lines which by definition is an improvement. If interpreted literally, the prescriptions set forth on P-7 have a drastic immediate effect upon the economy and welfare of the citizens of Inyo County.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 2 day of February, 1981, at Independence, California.



GERALD M. BUDLONG