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**FILE**

Attorneys for PLAINTIFF COUNTY OF INYO

8 IN THE UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA

11 COUNTY OF INYO

CASE NO. 1:06-cv-1502 AWI-DLB

12 *Plaintiff,*

PLAINTIFF COUNTY OF INYO'S RESPONSE  
TO FEDERAL DEFENDANTS' FIRST SET OF  
REQUESTS FOR ADMISSION,  
INTERROGATORIES AND REQUESTS  
FOR PRODUCTION OF DOCUMENTS

13 vs.

14 DEPARTMENT OF THE INTERIOR,  
15 DIRK KEMPTHORNE, in his capacity  
16 as Secretary of the United States  
17 Department of the Interior,  
18 NATIONAL PARK SERVICE,  
19 MARY A. BOMAR, in her capacity as  
20 Director, National Park Service,  
21 JAMES T. REYNOLDS, in his capacity  
as Superintendent, Death Valley  
National Park

Judge: The Honorable Anthony W. Ishii

22 *Defendants.*

23 **PROPOUNDING PARTY: FEDERAL DEFENDANTS**

24 **RESPONDING PARTY: PLAINTIFF COUNTY OF INYO**

25 **SET NUMBER: ONE (1)**

26 COMES NOW, Plaintiff County of Inyo, who responds to Set Number One (1) of Request  
27 for Admissions, Interrogatories and Requests for Production of Documents propounded by Federal  
28 Defendants to Plaintiff County of Inyo.

1 Discovery is ongoing and continuing, and responding party is providing the best information  
2 known at this time, reserving the right to introduce at trial any other information subsequently  
3 discovered or determined to be relevant.  
4

5 Responding party is a public entity, employing many persons, and no one person employed by  
6 responding party has all of the information which might be relevant or responsive to any particular  
7 interrogatory. Accordingly, the following represents a compilation of information from employees  
8 and others who have provided information to this responding party, and, to the extent that these  
9 persons have supplied information, the following information is provided based upon the information  
10 and belief of the responding party, and to the best of such information and belief, is believed to be  
11 true.  
12

13 **REQUESTS FOR ADMISSION**

14 **REQUEST FOR ADMISSION NO. 1** Please admit that you were aware, on or about March 31,  
15 1979, that Petro Road was included within a Wilderness Study Area as designated in the California  
16 Desert Conservation Area, Wilderness Inventory – Final Descriptive Narratives, published March 31,  
17 1979.

18 **RESPONSE**

19 Admit.

20 **REQUEST FOR ADMISSION NO. 2** Please admit that you were aware, on or about March 31,  
21 1979, that Lost Section Road – South was included within the Wilderness Study Area as designated in  
22 the California Desert Conservation Area, Wilderness Inventory – Final Descriptive Narratives,  
23 published March 31, 1979.

24 **RESPONSE**

25 Admit.  
26  
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1 **REQUEST FOR ADMISSION NO. 3** Please admit that you were aware, on or about March 31,  
2 1979, that Last Chance Road was included within the Wilderness Study Area as designated in the  
3 California Desert Conservation Area, Wilderness Inventory – Final Descriptive Narratives, published  
4 March 31, 1979.

5 **RESPONSE**

6 Deny.

7 **REQUEST FOR ADMISSION NO. 4** Please admit that you were aware, on or about March 31,  
8 1979, that Padre Point Road was included within the Wilderness Study Area as designated in the  
9 California Desert Conservation Area, Wilderness Inventory – Final Descriptive Narratives, published  
10 March 31, 1979.

11 **RESPONSE**

12 Admit.

13 **REQUEST FOR ADMISSION NO. 5** Please admit that you do not know of any person who has  
14 traveled by mechanized vehicle on Petro Road, as described in paragraph 62 of the Complaint, since  
15 October 31, 1994.

16 **RESPONSE**

17 Admit.

18 **REQUEST FOR ADMISSION NO. 6** Please admit that you do not know of any person who has  
19 traveled by mechanized vehicle on Lost Section Road - South, as described in paragraph 70 of the  
20 Complaint, since October 31, 1994.

21 **RESPONSE**

22 Deny.

23 **REQUEST FOR ADMISSION NO. 7** Please admit that you do not know of any person who has  
24 traveled by mechanized vehicle on Last Chance Road, as described in paragraph 78 of the Complaint,  
25 since October 31, 1994.

26 **RESPONSE**

27 Admit.

**RESPONSES TO INTERROGATORIES**

**INTERROGATORY NO. 1** If your response to Request for Admission No. 1 is other than an unqualified admission, please describe the complete factual bases for your response.

**RESPONSE**

N/A.

**INTERROGATORY NO. 2** If your response to Request for Admission No. 2 is other than an unqualified admission, please describe the complete factual bases for your response.

**RESPONSE**

N/A.

**INTERROGATORY NO. 3** If your response to Request for Admission No. 3 is other than an unqualified admission, please describe the complete factual bases for your response.

**RESPONSE**

The map that illustrated the Wilderness Inventory – Final Descriptive Narratives, published March 31, 1979, did not show most of Last Chance Road as being within the wilderness study area. The northern portion of Last Chance Road, which terminates on the north at Willow Springs Road and at the south at the head of Last Chance Canyon, is marked on the map in pen. The southern portion of Last Chance Road, from the mouth of Last Chance Canyon to approximately Copper Canyon, also is marked on the map with pen. The BLM Wilderness Study Area maps did not attempt to locate all roads in the Wilderness Study Areas, only those it determined were mechanically maintained. Roads, such as Last Chance Road, that were marked by pen and ink on the 1979 maps were generally excluded from the Wilderness Study Areas. Therefore, we conclude that these portions of Last Chance Road were intended to be excluded from the wilderness study area.

**INTERROGATORY NO. 4** If your response to Request for Admission No. 4 is other than an unqualified admission, please describe the complete factual bases for your response.

**RESPONSE**

N/A.

1 rights-of-way exist for the Petro Road, the Lost Section Road – South, the Last Chance Road, and the  
2 Padre Point Road.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 37**

4 All responsive documents have been provided either through our Initial Disclosures or the two  
5 responses to Sierra Club’s interrogatories or this response.

6 **REQUEST FOR PRODUCTION NO. 38** Please produce a copy of all documents identified in your  
7 Initial Disclosures and all supplements thereto.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 38**

- 9
- Legislative Map Sheets D-4, D-11, and D-19 are attached.
  - All other responsive documents have been provided either through our Initial Disclosures or the  
11 two responses to Sierra Club’s interrogatories.
- 12  
13  
14

15 DATED: February 22, 2008

Respectfully,

17 

18 \_\_\_\_\_  
Ralph H. Keller, Assistant County Counsel  
224 North Edwards Street, P.O. Box M  
Independence, California 93526

21 PAUL N. BRUCE, County Counsel  
224 North Edwards Street, P.O. Box M  
Independence, California 93526

23 Attorneys for Plaintiff County of Inyo

24 pw:litigation:RS2477:ResponseFedInt final

**DECLARATION OF SERVICE**

**CASE NAME: COUNTY OF INYO v. DEPARTMENT OF THE INTERIOR, DIRK KEMPTHORNE, et al.**

**CASE NUMBER: In the United States District Court for the Eastern District of California Fresno Division 1:06-cv-1502 AWI-DLB**

I am employed in the County of Inyo, I am over the age of 18 years and I am not a party to the within entitled action. My business address is 224 North Edwards, P.O. Box M, Independence, California 93526.

On February 25, 2008, I served the foregoing document(s) described as follows:

**PLAINTIFF COUNTY OF INYO'S RESPONSE TO FEDERAL DEFENDANTS' FIRST SET OF REQUESTS FOR ADMISSION, INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS TO PLAINTIFF**

on all parties in said action, by causing a true copy thereof to be transmitted in a sealed envelope, addressed as shown below,

Bruce D. Bernard  
Trial Attorney  
General Litigation Section  
Environment and Natural Resources Division  
U.S. Department of Justice  
1961 Stout Street, 8<sup>th</sup> Floor  
Denver, Colorado 80294

Edward B. Zukoski  
Earthjustice  
1400 Glenarm Place, Ste. 300  
Denver, Colorado 80202

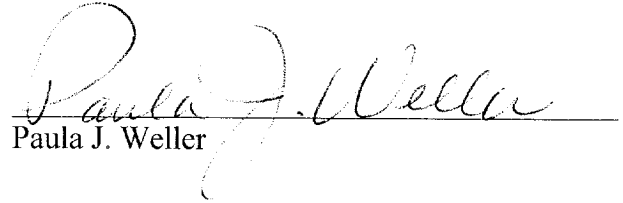
AND

- (By Mail) I personally deposited said envelope(s) with the United States Postal Service at Independence, California, with first class postage thereon fully prepaid.
- (By Mail) I deposited such envelope(s) in the mail at Independence, California. I am readily familiar with the County's practice whereby the mail, after being placed in a designated area, is given the appropriate first class postage and is deposited with the United States Postal Service on that same day.
- (By Express Mail/Overnight Delivery) I caused such envelope to be delivered by hand to the office of the addressee via overnight delivery pursuant to C.C.P. § 1013(c), with delivery fees fully prepaid.

1 [X] (Federal) I declare that I am employed in the office of a member of the bar of this Court at  
2 whose direction the service was made.

3  
4 I declare under penalty of perjury under the laws of the State of California that the foregoing is  
5 true and correct.

6 DATED: February 25, 2008

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Paula J. Weller