

# **EXHIBIT 7**

*Plaintiff County of Inyo's Response to Defendant-Intervenor Sierra Club's  
First Set Of Discovery Requests (Nov. 16, 2007)*

1 PAUL N. BRUCE, County Counsel (81619)  
2 RALPH H. KELLER, Assistant County Counsel (205962)  
3 COUNTY OF INYO  
4 224 North Edwards Street, P.O. Box M  
5 Independence, California 93526  
6 (760) 878-0229 Voice  
7 (760) 878-2241 Fax

8 Attorneys for PLAINTIFF COUNTY OF INYO

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

11 COUNTY OF INYO

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

12 *Plaintiff,*

13 vs.

14 PLAINTIFF COUNTY OF INYO'S RESPONSE  
15 TO DEFENDANT-INTERVENOR SIERRA  
16 CLUB'S FIRST SET OF INTERROGATORIES,  
17 REQUESTS FOR PRODUCTION, AND REQUESTS  
18 FOR ADMISSION

19 DEPARTMENT OF THE INTERIOR,  
20 DIRK KEMPTHORNE, in his capacity  
21 as Secretary of the United States  
22 Department of the Interior,  
23 NATIONAL PARK SERVICE,  
24 MARY A. BOMAR, in her capacity as  
25 Director, National Park Service,  
26 JAMES T. REYNOLDS, in his capacity  
27 as Superintendent, Death Valley  
28 National Park

Judge: The Honorable Anthony W. Ishii

*Defendants.*

23 **PROPOUNDING PARTY: DEFENDANT-INTERVENOR SIERRA CLUB**

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

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

27 COMES NOW, Plaintiff County of Inyo, who responds to Set Number One (1) of

28 Interrogatories propounded by Defendant-Intervenor Sierra Club 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 **RESPONSES TO INTERROGATORIES**

14 **INTERROGATORY NO. 1**

15 Identify all persons who assisted with the responses to these interrogatories, request for  
16 production, requests for admission.  
17

18 **RESPONSE**

19 Paul Hancock, Inyo County Public Works; Ron Chegwiddden, Inyo County Public Works; Pat Gunsolley,  
20 Assistant Board Clerk; Tanda Gretz, Inyo County Planning Department; Sharon Birmingham, Inyo  
21 County Planning Department.

22 **INTERROGATORY NO. 2**

23 Identify every expert with whom you have consulted on the issues involved in this lawsuit. For  
24 each expert, please state the subject matter of the consultation and whether you intend to use the expert  
25 for trial testimony.

26 **RESPONSE**

27 None.  
28

1 **INTERROGATORY NO. 3**

2 For each of the four routes which you contend constitutes a public highway right-of-way  
3 pursuant to R.S. 2477, state all facts which support your claim that the route is an R.S. 2477 right-of-  
4 way.

5 **RESPONSE**

6 Padre Point Road:

- 7
- 8 • For all time periods relevant to this action Padre Point Road has been located on federal lands  
9 open to entry.
  - 10 • On October 7, 1957, the Inyo County Board of Supervisors accepted Padre Point Road into the  
11 County Road system pursuant to Section 941 of the California Streets & Highways Code.
  - 12 • Additionally, although not directly relevant to the road's status as a County, public and R.S.  
13 2477 highway, Padre Point Road existed and was in use prior to 1976, as evidenced by the 1950  
14 series USGS topographical map, Darwin, Calif. quadrangle. USGS topographical maps are  
15 surveyed maps created by the United States and the 1950 map met USGS accuracy standards  
16 established in 1941 and revised in 1943 and 1947. Padre Point Road was mechanically  
17 maintained by Inyo County prior to 1976.

18 Lost Section Road South:

- 19
- 20 • For all time periods relevant to this action Lost Section Road South has been located on federal  
21 lands open to entry.
  - 22 • On March 1, 1948, the Inyo County Board of Supervisors accepted Lost Section Road South into  
23 the County Road system pursuant to Section 941 of the California Streets & Highway Code.
  - 24 • Additionally, although not directly relevant to the road's status as a County, public and R.S.  
25 2477 highway, Lost Section Road South existed and was in use prior to 1976, as evidenced by  
26 the 1951 series USGS topographical map, Funeral Peak, Calif. quadrangle. USGS topographical  
27 maps are surveyed maps created by the United States and the 1951 map met USGS accuracy  
28 standards established in 1941 and revised in 1943 and 1947. Additionally, Lost Section Road  
South is shown on the 1910 (reprinted 1930) USGS topographical map, Calif.-Nev. Furnace  
Creek quadrangle, which was based on a survey conducted in 1905-1906.

1 Petro Road:

- 2
- 3 • For all time periods relevant to this action Petro Road has been located on federal lands open to entry.
  - 4 • On March 1, 1948, the Inyo County Board of Supervisors accepted Petro Road into the County Road system pursuant to Section 941 of the California Streets & Highway Code.
  - 5 • Additionally, although not directly relevant to the road's status as a County, public and R.S. 2477 highway, Lost Section Road South existed and was in use prior to 1976, as evidenced by 6 the 1951 series USGS topographical map, Eagle Mountain, Calif. and Ryan, Calif. quadrangles. 7 USGS topographical maps are surveyed maps created by the United States and the 1951 maps 8 met USGS accuracy standards established in 1941 and revised in 1943 and 1947. Additionally, 9 Petro Road is shown on the 1910 (reprinted 1930) USGS topographical map, Calif.-Nev. Furnace 10 Creek quadrangle, which was based on a survey conducted in 1905-1906. 11

12

13 Last Chance Road

- 14
- 15 • For all time periods relevant to this action Last Chance Road has been located on federal lands open to entry.
  - 16 • On March 1, 1948, the Inyo County Board of Supervisors accepted Last Chance Road into the 17 County Road system pursuant to Section 941 of the California Streets & Highway Code.
  - 18 • Additionally, although not directly relevant to the road's status as a County, public and R.S. 19 2477 highway, Last Chance Road existed and was in use prior to 1976, as evidenced by the 1957 20 series USGS topographical map, Magruder Mtn., Nev.-Calif. quadrangle. USGS topographical 21 maps are surveyed maps created by the United States and the 1957 map met USGS accuracy 22 standards established in 1941 and revised in 1943 and 1947. Additionally, the northern section 23 of Last Chance Road is shown on the 1913 USGS topographical map, Lida quadrangle, which 24 was based on a surveys conducted in 1897-98, 1905, and 1911.

25 **INTERROGATORY NO. 4**

26 State the identity of all persons who have evidence or information concerning the use,  
27 construction, maintenance, and/or dedication of the four routes.  
28

1 **RESPONSE**

2 Ron Chegwidden, Director, Inyo County Public Works Department; Leonard Huarte, Inyo County  
3 Road Department; George Milovich, Inyo County Agriculture Commissioner; Tom Picket, formerly  
4 of Inyo County Road Department.

5 **INTERROGATORY NO. 5**

6 State the identity of all persons employed or contracted by Inyo County between 1930 and 1976  
7 to construct or maintain, or supervise the construction or maintenance of, Inyo County roads.

8 **RESPONSE**

9 See Attachment 1. This may not be a listing of all persons employed or contracted by Inyo  
10 County between 1930 and 1976 as requested, but is the extent of the County's employment records.

11 **INTERROGATORY NO. 6**

12 If your response to any of the Requests for Admission is "denied," please state in full the factual  
13 basis for the denial.

14 **RESPONSE**

15 The portion of Petro Road that is currently within Death Valley National Park boundaries and  
16 that is currently blocked by the National Park Service traversed a Wilderness Study Area. The road  
17 exits the Park heading northeast and continues to the Death Valley Junction area. That portion was not,  
18 to our knowledge, included in a Wilderness Study Area.

19 Except for a small portion, Last Chance Road was marked as a road in pen and ink on the 1979  
20 BLM maps of the Wilderness Study Areas. The BLM Wilderness Study Area maps did not attempt to  
21 locate all roads in the Wilderness Study Areas, only those it determined were mechanically maintained.  
22 Roads, such as Last Chance Road, that were marked by pen and ink on the 1979 maps were generally  
23 excluded from the Wilderness Study Areas. The northern section of Last Chance Road was excluded  
24 from the 1990 proposed final maps of the Wilderness Study Areas.

25 **REQUESTS FOR PRODUCTION**

26  
27  
28 **REQUEST FOR PRODUCTION NO. 1**

Produce all documents provided to the experts identified in your response to Interrogatory No. 2.

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 1**

2 N/A

3 **REQUEST FOR PRODUCTION NO. 2**

4 Produce all maps showing, and all GIS data concerning, the area traversed by each of the four  
5 routes.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 2**

7 County highway system maps have already been provided. See attachment 2 for additional maps  
8 in possession of Inyo County (not including USGS maps). GIS information will be provided by separate  
9 cover.

10 **REQUEST FOR PRODUCTION NO. 3**

11 Produce all documents concerning "field verification" of the location of each of the four routes,  
12 as discussed in your complaint, paragraph 48.

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

14 Field verification was conducted by the United States pursuant to its preparation of various  
15 USGS maps showing these roads. The United States holds the survey field notes for all USGS maps.  
16 See also Google Earth, which shows each road on its roads overlay and has satellite photographs of  
17 portions of each road.

18 **REQUEST FOR PRODUCTION NO. 4**

19 Produce all documents – including but not limited to declarations, affidavits, statements and the  
20 like – relating to the establishment and use of the four routes. Specifically, please produce all  
21 documents concerning the following aspects of each of the four routes:

- 22 - The date, location, nature, and extent of the first use of each of the four routes  
23 - The date of establishment of each of the four routes  
24 - The uses to which each of the four routes has been put since the date of its first use  
25 - The beginning and destination points of each of the four routes  
26 - The identities of all persons who claim to have used each of the four routes  
27 - The nature, dates, frequency, and purpose of use by each person who claims to have used  
28 each of the four routes prior to October 21, 1976

- 1 - The date, nature of and extent of any maintenance and/or mechanical construction
- 2 performed on each of the four routes
- 3 - The amount and date of any expenditure of local, state, or federal public funds with
- 4 respect to each of the four routes
- 5 - The amount and date of any expenditure of private funds with respect to each of the four
- 6 routes

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 4**

8 The County resolution adopting Last Chance, Petro and Lost Section South Roads into the  
9 County maintained mileage system have already been provided, as have the relevant maps of the County  
10 highway system. See Attachment 3 for additional information, including the resolution accepting Padre  
11 Point Road into the County maintained mileage system and a 1975 computer readout of roads in the  
12 County maintained mileage system.

13 Although there is no documentation of the fact, Leonard Huarte recalls working with a road crew  
14 that maintained the northern half-mile section of Last Chance Road. The work was done in the early  
15 1970's.

16 **REQUEST FOR PRODUCTION NO. 5**

17 Produce all documentation concerning county resolution, ordinances, or other official actions of  
18 Inyo County concerning each of the four routes.

19 **RESPONSE TO REQUEST FOR PRODUCTION NO. 5**

20 The County resolution adopting Last Chance, Petro and Lost Section South Roads into the  
21 County maintained mileage system have already been provided, as have the relevant maps of the County  
22 highway system. See Attachment 3 for additional information, including the resolution accepting Padre  
23 Point Road into the County maintained mileage system, a 1975 computer readout of roads in the County  
24 maintained mileage system and the 1975 Resolution of the Board of Supervisors certifying County  
25 highway mileage to the state of California. More recent resolutions are contained in Attachment 5.

26 **REQUEST FOR PRODUCTION NO. 6**

27 Produce all documents concerning the Bureau of Land Management's (BLM's) designation, on  
28 or about March 30, 1979, of wilderness study areas in Inyo County. See 44 Fed. Reg. 19044-45 (March  
30, 1979).



1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 6**

2 The designation of the wilderness study areas was the first step in preparation of the California  
3 Desert Conservation Area Plan, which was developed from 1979 to 1990. See Attachment 4 for  
4 materials relevant to the Desert Plan. The Board of Supervisors files contain extensive documentation  
5 relating to the Desert Plan, much of which is not relevant to this lawsuit. Attachment 4 contains County  
6 resolutions and orders, correspondence to and from the County, staff reports and certain other relevant  
7 materials. An index is included to other materials in the Board's files. This index is illustrative and not  
8 complete. All Board documents are public documents and available for further review.

9 **REQUEST FOR PRODUCTION NO. 7**

10 Produce all documents concerning the management of BLM wilderness study areas in Inyo  
11 County.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 7**

13 See Attachment 4.

14 **REQUEST FOR PRODUCTION NO. 8**

15 Produce all documentation concerning all communications between officials, employees, or  
16 agents of Inyo County and officials, employees, or agents of federal land management agencies  
17 regarding management of vehicle travel on lands that are now within the boundary of Death Valley  
18 National Park in Inyo County.

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

20 None.

21 **REQUEST FOR PRODUCTION NO. 9**

22 Produce all documentation containing the basis, or supporting the basis, for the following  
23 statements and allegations in your Complaint:

- 24 (a) the statement in paragraph 50 that "[t]he age and use of all these highways is verified by  
25 aerial photography, government maps, and testimony of witnesses."  
26 (b) each statement and allegation in paragraphs 51-55, concerning each and all of the four  
27 routes.  
28 (c) each statement and allegation in paragraphs 57-64, concerning the "Petro Road."  
(d) each statement and allegation in paragraphs 66-72, concerning the "Lost Section Road."

1 (e) each statement and allegation in paragraphs 74-80, concerning the "Last Chance Road."

2 (f) each statement and allegation in paragraphs 82-87, concerning the "Padre Point Road."

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 9**

- 4 • Relevant USGS maps were attached to the complaint. Other editions of the USGS maps are  
5 held by the United States. These maps show the development of the roads over time and the  
6 locations of communities and facilities at either terminus of the roads.
- 7 • See generally, Death Valley & the Amargosa: A land of Illusion, by Richard E. Lingenfelter.
- 8 • Various Death Valley National Park publications discuss the history of the Death Valley  
9 area, in particular the Greenwater Mining District. See the Environmental Impact Statement  
10 and other studies concerning establishment of Death Valley National Park available from the  
11 United States.
- 12 • Attachments 2, 3, 4, 5, & 6 contain supporting material for the establishment of these roads  
13 as County roads as well as of their uses. All material responsive to this request identified by  
14 the County is attached.

15 **REQUEST FOR PRODUCTION NO. 10**

16 Produce all documentation concerning and/or responsive to your "Call for Information" and your  
17 solicitation of "Travel Accounts" concerning the "Petro Road," "Lost Section Road," and "Last Chance  
18 Road" See [http://inyocounty.us/inyovdoi/privacy\\_info.htm](http://inyocounty.us/inyovdoi/privacy_info.htm) and  
19 [http://inyocounty.us/inyovdoi/road\\_closure.htm](http://inyocounty.us/inyovdoi/road_closure.htm).

20 **RESPONSE TO REQUEST FOR PRODUCTION NO. 10**

21 See Attachment 6.

22 **REQUEST FOR PRODUCTION NO. 11**

23 Produce all documentation concerning federal legislation proposed and/or ultimately adopted to  
24 designate wilderness areas and/or to expand the boundaries of Death Valley National Park within Inyo  
25 County.

26 **RESPONSE TO REQUEST FOR PRODUCTION NO. 11**

27 See Attachment 7. The Board of Supervisors and Planning Department files contain extensive  
28 documentation relating to the proposed 1987 California Desert Protection Act and its progeny, much of  
which is not relevant to this lawsuit. Attachment 7 contains County resolutions and orders,

1 correspondence to and from the County, staff reports and certain other relevant materials. All Board and  
2 Planning Department documents are public documents and available for further review.

3 **FIRST SET OF REQUESTS FOR ADMISSIONS**

4  
5 **REQUEST FOR ADMISSION NO. 1**

6 Admit that the "Petro Road," "Lost Section Road," and "Last Chance Road" each traverse land  
7 designated as Wilderness Study Areas by the Bureau of Land Management on March 30, 1979.

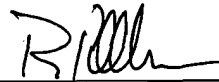
8 **RESPONSE TO REQUEST FOR ADMISSION NO. 1**

9 Lost Section South and Padre Point Road traverse land designated as Wilderness Study Areas in  
10 1979.

11 Portions of Last Chance Road and Petro Road traverse land designated as Wilderness Study  
12 Areas in 1979.

13  
14 DATED: November 16, 2007

Respectfully,

15  
16 

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

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

23 Attorneys for Plaintiff County of Inyo  
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**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 November 16, 2007, I served the foregoing document(s) described as follows:

**PLAINTIFF COUNTY OF INYO'S RESPONSE TO DEFENDANT-INTERVENOR SIERRA CLUB'S FIRST SET OF INTERROGATORIES, REQUESTS FOR PRODUCTION, AND REQUESTS FOR ADMISSION**

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

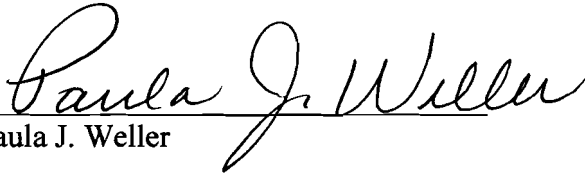
AND

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

5  
6 DATED: November 16, 2007

  
Paula J. Weller

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