

EXHIBIT
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12 **IN THE UNITED STATES DISTRICT COURT**
13 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

14 COUNTY OF INYO

No. 1:06-CV-01502-AWI-DLB

15 Plaintiff,

16 v.

**UNITED STATES' RESPONSES TO
COUNTY OF INYO'S FIRST SET
OF REQUESTS FOR ADMISSION,
INTERROGATORIES AND
REQUESTS FOR PRODUCTION
OF DOCUMENTS**

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

Dennis L. Beck
U.S. Magistrate Judge

Anthony W. Ishii
U.S. District Court Judge

23 Defendants, and

24 SIERRA CLUB, *et al.*,

25 Defendant-Intervenors.
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1 authority provides you the discretion to continue such use in a wilderness area.

2 **RESPONSE:**

3 Defendants object to this request on the grounds that it calls for a legal conclusion.
4 Notwithstanding and without waiving the foregoing objection, Defendants respond that, as stated
5 in the response to Request for Admission No. 31, a portion of the claimed Padre Point Road is
6 excluded from wilderness designation. The NPS is in the process of preparing final wilderness
7 boundary maps, and the NPS intends that the final maps will exclude the remaining portion of
8 the claimed Padre Point Road from wilderness. The NPS derives the authority to prepare final
9 wilderness maps from the Park's enabling legislation, 16 U.S.C. Section 410aaa-3 (P.L. 103-433,
10 Title III, Section 304), and the CDPA, P.L. 103-433, Title VI, Section 602.

11 **INTERROGATORY NO. 3:**

12 Please provide the names of federal personnel having knowledge of the location, history,
13 or use of Last Chance Road, Petro Road, Lost Section Road - South, or Padre Point Road.

14 **RESPONSE:**

15 See Attachment 1 hereto.

16 **INTERROGATORY NO. 4:**

17 Please provide the name or names of the person or persons who authorized closure to
18 motor vehicle use of Last Chance Road, Petro Road, and Lost Section Road - South and describe
19 any administrative processes conducted to close those roads.

20 **RESPONSE:**

21 Richard Martin, former Superintendent.

22 **INTERROGATORY NO. 5:**

23 Please state the dates on which you installed the barriers on Last Chance Road and Petro
24 Road and marked Lost Section Road - South as closed.

25 **RESPONSE:**

26 Last Chance Road/South end: A carsonite post was installed in approximately 1995. A
27 "wilderness restoration" barrier was installed in approximately 2000.

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1 Last Chance Road/North end: A carsonite post was installed in approximately 1995.

2 Petro Road/Southwest end: A carsonite post was installed in approximately 1995. A

3 "wilderness restoration" barrier was installed in 1998.

4 Petro Road/Northeast end: A carsonite post was installed in approximately 1995. A "no
5 vehicles" sign was installed in approximately 2000. A "wilderness restoration" barrier was
6 installed in the summer of 2006.

7 Lost Section Road - South/North end: Two carsonite posts were installed in 2005.

8 Lost Section Road - South/South end: A "wilderness restoration" barrier was installed in
9 late 2004.

10 **INTERROGATORY NO. 6:**

11 County personnel observed what appears to be a circular saw cut around a sheep
12 petroglyph at the southwesterly terminus of Greenwater Canyon. Please state when the damage
13 was first observed by federal personnel, any conclusions you reached regarding when the damage
14 was done and by what means, and whether arrests were made or prosecution attempted in that
15 matter

16 **RESPONSE:**

17 Defendants object to this request on the grounds that it calls for irrelevant information not
18 reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding and
19 without waiving the foregoing objection, Defendants respond that the NPS has copies of
20 photographs from 1963 showing the petroglyphs intact, and copies of photographs taken in 1982
21 which show the referenced marks. Defendants did not reach any conclusions about when or by
22 what means the damage was done and no arrests were made.

23 **INTERROGATORY NO. 7:**

24 Please provide any correspondence you had with Inyo County referencing Last Chance
25 Road, Petro Road, Lost Section Road - South or Padre Point Road.

26 **RESPONSE:**

27 Assuming that this "interrogatory" is intended to be a request for production of
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