EXHIBIT
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COUNTY OF INYO
BOARD OF SUPERVISORS
COURTHOUSE
INDEPENDENCE, CALIFORNIA 93526

April 9, 1985

Interior Board of Land Appeals
William Phillip Horton, Chief Administrative Judge
4015 Wilson Blvd.
Arlington, VA 22203

Subject: Appeal of the State Bureau of Land Management Director's Recommendation to the National BLM Director Buford, concerning the BLM Wilderness Study Areas in California, December, 1984.

To the Honorable Judge Horton:

The Inyo County Board of Supervisors wishes to appeal the State BLM Director's Recommendation to the National BLM Director Burford concerning the BLM Wilderness Study Areas in California, December, 1984 according to the following grounds:

GROUND NO. 1: The public, including the Inyo County Board of Supervisors, has not been given the opportunity to review and submit comments to BLM concerning the December, 1984 Wilderness Study Areas in California. This is a departure from all other BLM proposals. It is also a departure from the earlier phases of the BLM Wilderness Study Area Program where a 30 day public review and comment period on the "Final Intensive Wilderness Inventory Report, Except the California Desert Conservation Area - January, 1980" was permitted. The public has not been given the opportunity to review and comment on the proposals.

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Furthermore, the State BLM Director's office has verbally mentioned to Inyo County staff members that the next public comment period will only occur at the Congressional Hearings. This statement is in conflict with Section 3(d): Suitability (d)(1), (A),(B), and (C) of Appendix B-excerpts from the Wilderness Act of September 3, 1964 (Pub. L. 88--577) of page 5120, Federal Register/Vol. 47, No. 23/Wednesday, February 3, 1982/Notices. The Wilderness Act mandates the Secretary of the Interior prior to submitting any recommendations to the President or Congress to; A. give such public notice of proposed action including publication in the Federal Register and in a newspaper having general circulation in the area or areas in the vicinity of the affected land; B. to hold a public hearing or hearings at a location or locations convenient to the area affected along with proper public notice including newspapers of general circulation in the area; C. at least thirty days before the date of hearing, advise the Inyo County Loard of Supervisors, Federal Departments and Agencies concerned and invite such officials and Federal Agencies to submit their views on the proposed action at the hearing or by no later than thirty days following the date of hearing. Also any views submitted to the Secretary of the Interior at the hearings, shall be included with any BLM recommendations submitted to the President and Congress.

The Board of Supervisors wishes administrative relief whereby the public is given the opportunity to review and comment on the BLM California State Wilderness Recommendations. The Board also asks for assurances from the Secretary of the Interior that hearings(s) will be held as prescribed by law. The Board recommends hearings be held at Independence, Tecopa and Ridgecrest (Kern County); which are central localities in the vicinity of the affected land for the citizens of Inyo County.

GROUND NO. 2:

Upon reviewing the BLM Wilderness Proposal for California (Presented in tabular form below), Inyo County is of the opinion that the Federal Government has proposed too many wilderness areas in Inyo County. We further perceive "Criteria #2 of the BLM regulations" (Balancing Geographic Distribution of Wilderness Areas)" has not been adequately considered as intended by Congress. For instance, Mr. Hastey's recommendation to Burford amounts to approximately 1,964,220 acres designated suitable for wilderness (suitable). The acreage designated suitable in Inyo County alone amounts to 768,879 acres or 39 percent of the total BLM wilderness recommendation in California. The BLM recommendation has placed 81 percent of the total acreage in two counties whereas, 49 other California counties have not received any proposed BLM wilderness acreage at all.

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TABLE SHOWING DISTRIBUTION OF BLM WILDERNESS RECOMMENDATION TO CALIFORNIA COUNTIES

COUNTY	SUITABLE WILDERNESS ACREAGE	PERCENT OF RECOMMENDATION
San Bernardino*	826,970	42.0%
Inyo	768,879	39.0%
Riverside**	121,208	6.2%
Imperial	94,535	4.8%
Lassen	76,270	3.9%
San Diego	35,256	1.8%
Kern	27,001	1.4%
Tulare	15,507	0.8%
Monterey	2,200	0.1%
Remaining 49 Counties***	0	0.0%
TOTAL/58 Counties	1,964,220	100.0%

* Includes an undetermined amount of Riverside acreage.
** Includes an undetermined amount of Imperial acreage.
*** Humboldt and Mendocino Counties still have 61,061 acres under study.

Inyo County to date has the John Muir and Golden Trout Wilderness areas. Congress has added additional acreage via the RARE II Program. The Forest Service is studying the possibility of adding additional acreage for those lands designated "Further Study". The National Park Service has recommended large tracts of Death Valley National Monument as being suitable for wilderness.

The placement of so much acreage into wilderness within the boundaries of Inyo County, appears to be a violation of the Congressional mandate expressed by Criteria #2 of BLM regulations.

The Board of Supervisors would like to see compliance with Criteria #2 of BLM regulations.

GROUND NO. 3:

The Inyo County Board of Supervisors is concerned with the adverse impacts the creation of more wilderness areas will have upon the economy of Inyo County. BLM regulations are designed to address these impacts thru Standard No. 1, Standard No. 2 and Standard No. 5. The Board is concerned that BLM has not adequately addressed these regulations.

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Standard No. 1 addresses energy and mineral resource values. We are puzzled by the apparent contradictions presented by staff of the Bishop Area Office of BLM. The Resource Inventory of the Benton-Owens Valley Framework Plan and accompanied maps have identified the mineral resources within WSA-CA-010-056 as consisting of two types of mineral descriptions. There is a "mineral zone" of silver, lead, gold and zinc and a "metallic mineral resource area" of silver, lead and gold. Whereas at a meeting held on November 14, 1983 attended by two County Supervisors, the County Administrator and County Staff with Bishop Area office Staff of BLM, it was mentioned by BLM that the mineral resources in WSA-CA-010-056 as no and low mineral potential and moderate uranium potential. Later in the same meeting we asked the question of why wilderness was needed? The reply from BLM was wilderness was needed to keep the miners from damaging the land.

Standard No. 2 addresses impacts on other resources such as grazing. We are of the opinion that the creation of wilderness in a portion of WSA-CA-010-056 will prevent the grazing upon certain rangelands that historically in the past has been utilized for grazing. This will not only impose an adverse impact upon the socio-economics (admittedly minor to the town of Lone Pine), but environmentally impose a possible adverse environmental impact upon the native wildlife through the prohibiting of the cleaning and maintenance of springs. The rancher by developing the springs provides water for both domestic livestock and wildlife alike.

Standard No. 5 requires analysis of adverse cumulative impacts upon the local economy through the establishment of more wilderness areas. We wonder how this regulation can be followed when as mentioned above in Ground No.2, the fact that so much of Inyo County is already wilderness and more acreage is being recommended as additional wilderness? What will the resulting adverse impact to Inyo County's economy be?

GROUND NO. 4:

This objection of the Board concerns the inconsistency of the wilderness amendment with the adopted Conservation and Open Space Element of the Inyo County General Plan. The wilderness amendment is also inconsistent with the draft Benton-Owens Valley Framework plans of September 26, 1979 and May of 1980. "Standard No. 6" of the BLM regulations requires BLM staff to consider other Federal, State and local plans. The intent is to achieve consistancy with other agency plans.

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The Board early in the BLM Planning Process directed the County Planning Department and the citizen advisory committees to help coordinate with the BLM Bishop Area office in formulating their planning documents. The result of this close interaction between agencies and members of the public resulted in the Draft Benton-Owens Valley Framework Plan of BLM recommending the establishment of a 13,000 acre wilderness area. The County of Inyo incorporated the boundaries of this recommendation into its adopted Conservation and Open Space Element of the General Plan.

The BLM later circulated the "DEIS Wilderness Recommendations for the Benton-Owens Valley/Bodie-Coleville Study Areas" Bakersfield District, August 12, 1983. The boundaries of WSA-CA-010-056 were expanded beyond that of the earlier draft Benton-Owens Valley Framework Plan and WSA-CA-010-55 was added in the recommendation.

As a result, the Inyo County Board of Supervisors in response sent BLM Resolution No. 83-88 and accompaning letter as official comments to the DEIS Wilderness Recommendation. The federal Register on page 5110 under Standard No. 6 requires BLM to respond to written comments regarding inconsistancies with adopted General Plans "explanining how the consistancy issued was resolved and why". To date we have not received any BLM response as required by BLM regulations.

Furthermore, the Bakersfield District Advisory Council at the December 2, 1983 meeting supported Inyo County's recommendation of a 13,000 acre wilderness in the Inyo Mountains. There was a minor departure in adjusting the south boundary from a stream and canyon bottom to a more recognizable boundary (Long John Trail).

MOTION:

(Larry Calkins of BLM is not related to myself)
"Larry Calkins: I don't know quite how to put this motion, I would like to perhaps recommend with regard to the two areas, 55 and 56, that 55, Cerro Gordo, be dropped from the recommendation by this Council and that 56 from about New York Butte north, I don't know where that line would go, staff would have to help us on that, be considered as a wilderness candidacy. I would like to see this part that seems to have all these problems eliminated from that recommendation.

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Tim Johnson: Basically, that's the county general plan line.

Paul Johnson: Motioned by Larry, do we have a second?

Lola Brekke: I'll second it." (Bakersfield District Advisory Council meeting, page 25, December 2, 1983).

AMENDMENT TO MOTION:

> "Larry Calkins: I'd like to amend the text of my motion now to the Long John Trail to be the southermost boundary of the proposed wilderness.

Paul Johnson: OK, is that agreeable with the second?

Lola Brekke: Second." (Bakersfield District Advisory Council Meeting, page 27).

Motion passed 5 ayes, 2 noes, 2 absent.

The BLM regulations addressed in Standard No. 6 also require BLM to respond to written comments from a Federal agency or body regarding inconsistancies. The BLM has not sent the required response to their own Advisory Council either.

The Board would appreciate receiving the required response from BLM as required by regulation.

Attached hereto and incorporated herein for your reference are:

1) Exhibit "A" consisting of Bureau of Land Management wilderness study areas in California, Informational Material Released December, 1984;

2) Exhibit "B" consisting of two (2) copies of Benton-Owens Valley/Bodie-Coleville Wilderness Environmental Impact Statement, Map 2-b, Alternative 1 - Proposed Action, CA-010-056 (emphasis added);

3) Exhibit "C" consisting of Minutes of Bakersfield District Advisory Council Meeting December 2, 1983, 873 N. Main Street, Bishop, California;

4) Exhibit "D" consisting of Benton Owens Valley Land Use Recommendations, South Inyo Management Area 12, objective G;

5) Exhibit "E" consisting of Owens Valley-Map-1 Conservation and Open Space Element, Inyo County General Plan, adopted June 2, 1981.

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The Board appreciates the opportunity given by the Department of the Interior to appeal the Recommendation of the State Director's Office of BLM.

Sincerely

Lawrence E. Calkins

Lawrence E. Calkins, Chairman
Inyo County Board of Supervisors

Enclosure: Board of Supervisors
Resolution No. 85-22

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