

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

COUNTY OF INYO,)
)
Plaintiff,)
)
vs.) Case No.
) 1:06-CV-01502-AWI-DLB
DEPARTMENT OF THE INTERIOR,)
DIRK KEMPTHORNE, in his)
as Secretary of the United)
States Department of the)
Interior, NATIONAL PARK SERVICE,)
MARY A. BOMAR, in her capacity)
as Director, National Park)
Service, JAMES T. REYNOLDS, in)
his capacity as Superintendent,)
Death Valley National Park,)
)
Defendants, and)
)
SIERRA CLUB, et al.,)
)
Defendant-Intervenors.)
_____)

DEPOSITION OF LEONARD HUARTE

Independence, California

March 5, 2008

NICCOLE M. ROSSY
Certified Shorthand Reporter #10698
Post Office Box 1675
Bishop, California 93515
(760) 872-4718

CERTIFIED
COPY

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

COUNTY OF INYO,)
)
Plaintiff,)
)
vs.) Case No.)
) 1:06-CV-01502-AWI-DLB

DEPARTMENT OF THE INTERIOR,)
DIRK KEMPTHORNE, in his)
as Secretary of the United)
States Department of the)
Interior, NATIONAL PARK SERVICE,)
MARY A. BOMAR, in her capacity)
as Director, National Park)
Service, JAMES T. REYNOLDS, in)
his capacity as Superintendent,)
Death Valley National Park,)
)
Defendants, and)
)
SIERRA CLUB, et al.,)
)
Defendant-Intervenors.)
_____)

Deposition of LEONARD HUARTE, taken on behalf
of Defendant, at the Inyo County Administration offices,
224 North Edwards Street, Independence, California,
commencing at 9:02 a.m., Wednesday, March 5, 2008,
before Niccole M. Rossy, CSR #10698, pursuant to notice.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A P P E A R A N C E S

FOR PLAINTIFF:

COUNTY OF INYO
OFFICE OF THE COUNTY COUNSEL
BY: RANDY KELLER, ASSISTANT COUNTY COUNSEL
P.O. Box M
Independence, California 93526
(760) 878-0229

FOR DEFENDANTS:

UNITED STATES DEPARTMENT OF JUSTICE
BY: BRUCE D. BERNARD, TRIAL ATTORNEY
1961 Stout Street, 8th Floor
Denver, Colorado 80294
(303) 844-1361

FOR DEFENDANT-INTERVENORS:

EARTHJUSTICE
BY: EDWARD B. ZUKOSKI, STAFF ATTORNEY
1631 Glenarm Place, Suite 300
Denver, Colorado 80202-4303
(303) 623-9466

ALSO PRESENT:

AINSLEY HOLESO, NATIONAL PARK SERVICE

1 little ups, but it's basically pretty level. Then, like
2 I said, until you get to wherever here I guess and then
3 it starts falling.

4 Q. Okay. Let me ask you a question. Can I ask
5 you to mark this as point E? And this is where the
6 Willow Spring route sort of takes a turn as you're
7 going --

8 A. Yeah, there's a big turn here, yeah.

9 Q. As you're going east, the route takes sort of a
10 northeastern turn. Have you ever been on the route
11 marked E?

12 A. Yes, I've been here, yeah. As we were talking
13 about, it goes over here and dead ends right here, and
14 it's a big -- it's like sand and there's a big canyon.
15 You could almost look down here in Death Valley and see
16 Last Chance down here or Crankshaft. It's really a
17 pretty view. It's beautiful as a matter of fact. You
18 just drive up and then all of a sudden the road ends and
19 a big canyon.

20 Q. Do you know if that's a county road?

21 A. You know, I don't know. As far as I remember I
22 cannot remember grading it.

23 Q. Do you remember anyone else?

24 A. No, I don't.

25 Q. Did the route --

1 A. I mean, like I said, it just went up here a
2 little ways and dead end. It could have been a scenic
3 point, you know, or something, but it would have been
4 pretty to see.

5 Q. Did it look like it had been --

6 A. Yeah. At one time it was a pretty decent road,
7 but through the years it just deteriorated. It just
8 went downhill. It's really bad. I mean, of course now
9 it's blocked off. You can't even go on it.

10 Q. Do you remember the first time you were there?

11 A. Probably in the early '70s after I started
12 going out there and started exploring a little bit. I
13 had time on my hands, and I would go over there and look
14 at that road.

15 Q. Can you describe its condition?

16 A. It was rough, but it was passable.

17 Q. Was it more than a two-track?

18 A. No. It was just two-track, yeah. That's all
19 it was, yeah.

20 Q. Did it look like it had been graded?

21 A. You know, somebody -- yeah, it kind of does.
22 But I don't know, like I said, if the old-timers had
23 graded it before me at one time or another, I don't
24 know, or if they just, I don't know, took it on
25 themselves to go grade it or what. I don't know to tell

1 you the truth.

2 Q. So in the early '70s when you first saw it, it
3 looked like it had been graded but --

4 A. Yeah, you could tell there had been something.
5 I don't know if there's any mines or anything or some
6 guy with a little cat did it or something, I don't know.

7 Q. And it looked like it had been -- what signs of
8 grading did you see?

9 A. You could see burns on the side where something
10 evidently went up it, you know. I don't know if it was
11 a grader or loader or cat or whatever.

12 Q. But were there any signs or anything indicating
13 "road here" or is it -- were there county signs or --

14 A. No, I can't recall. I don't think so. No, I
15 can't really remember that to tell you the truth.

16 Q. And so how many times would you estimate you've
17 been out on that?

18 A. Probably ten times through the years. Like I
19 said, I deer hunted in all that area too. I really
20 hunted that a lot. After I found out about that area
21 out there I hunted a lot out there, and I would park
22 there and I would take off and walk around up here in
23 the timber and stuff and down somewhat, you know.

24 Q. Did you see any -- was there a trail or was
25 there anything sort of leading down the canyon from

1 there?

2 A. You know, I can't recall. There could have,
3 but I can't remember, no, I can't.

4 Q. Did you ever try to get from the top down there
5 into --

6 A. You mean down into here?

7 Q. Down in here where the "Last" is in Last
8 Chance, did you ever --

9 A. No. Like I said, I basically stayed kind of
10 around the rim and stuff, around here high. I didn't
11 really go down.

12 Q. Does it look like a place where you could get a
13 vehicle down?

14 A. Oh, no. You'd have to see it. It's really --
15 boy, it's really pretty.

16 Q. Pretty steep?

17 A. Yeah, real steep. Like I said, it's really
18 a -- it's a view to see. It's beautiful.

19 Q. Is it --

20 A. It's sandy to get up over up to it. It's real
21 sandy. It looks like there's almost like sand dunes
22 there or something where it starts down over the side
23 and, boy, like I said, straight down almost. It's
24 really pretty.

25 Q. And how many times do you think you were there

1 before 1977?

2 A. Like I said, probably ten times before they --
3 is that when it was closed, '77? Yeah, I guess.
4 Anyway, yeah, ten times, that's probably the most I've
5 been down there.

6 Q. So all in that period of time?

7 A. Yeah. It was all from early '70s until then.
8 I used to be out there quite a bit on my own time,
9 chukar hunting, you know, and deer hunting.

10 Q. And when you looked over that view, you could
11 see into Last Chance Canyon?

12 A. Basically, yeah, you're just looking down the
13 whole big canyon here down into like the north end of
14 Death Valley down in here, you know, Crankshaft down in
15 here, wherever it's at.

16 Q. And in the canyon itself, can you put an F here
17 where the "Last" is so we're real clear? So looking
18 from point E to point F, could you see anything that
19 looked like a trail or road in the canyon?

20 A. Can I see?

21 Q. No, no. I mean when you were on top, do you
22 remember seeing anything like that?

23 A. No, I can't really. It's just like big washes,
24 it seemed like, going down from up there.

25 Q. And could you see any sign of vehicles being

1 down there?

2 A. No, not really, not from way up here.

3 Q. And when you were on that spur at point E, did
4 you ever see anybody else up there?

5 A. Probably, yeah, some other hunters once in a
6 while but not that many.

7 Q. But did you ever see vehicles using the route
8 besides your car?

9 A. Yeah, yeah. There was guys hunting there, like
10 I said. They would be parked there.

11 Q. They would be parked?

12 A. You mean on this here?

13 Q. Right.

14 A. Yeah.

15 Q. At point E or on the extension of the route up
16 to the canyon?

17 A. Yeah.

18 Q. Would they be --

19 A. Yeah, they would be right through the end here
20 for -- yeah.

21 Q. Why don't we mark that as point G. So they
22 would be all the way out at point G?

23 A. Yeah, the end right here, yeah.

24 Q. And so you recall seeing multiple vehicles, one
25 other vehicle?

EXAMINATION

BY MR. KELLER:

Q. Could you point out Willow Springs on here?

A. Right here.

Q. Okay. Can you describe what's there?

A. There's an old cabin right here, used to be an old -- just the remains of an old cabin. It used to be a good one at one time, but through the years it's got tore up, but that's why we -- I guess it was Ford's Cabin, that's what we called it there.

Q. Okay. What did the springs look like?

A. It's just a little old dinky -- there is a spring there. It's got a water trough that the cows drink out. The water comes and drops into it and it goes down a little wash and disappears. It's a pretty good little head of water.

Q. So what you call Ford's Cabin then is that cabin that --

A. Right.

Q. Is that old cabin still there?

A. Yeah, some of it is left there, yeah.

Q. On what side of the road is it?

A. Well, as you're coming up it would be on your left-hand side. It's up on a little hill, yeah.

Q. Okay. So then this road that runs to the head

1 of the canyon, from E to G here --

2 A. Uh-huh.

3 Q. -- is that the only road or the first road that
4 you know of that as you head away from the springs --

5 A. Right. When you leave Ford's Cabin that would
6 be the first little road that would come off our road,
7 the Willow Springs Road, and like I said, it comes over
8 here to a big canyon and dead ends.

9 But this road, I'm not quite sure. There's
10 other little roads that take off. The one that's marked
11 B here, that one I'm not sure. I basically know where
12 it's at I think, but I haven't been on it too far.

13 Q. But the only one you plowed is up there,
14 besides the Willow Springs Road, is the one there at A?

15 A. Yeah, A, the Last Chance.

16 Q. Okay. I don't have anything else.

17 One more thing. You know where Last Chance
18 Spring is?

19 A. Yeah.

20 Q. Did you ever run a grader up there?

21 A. No. George wanted me to.

22 Q. Yeah. I was wondering.

23 A. Yeah, you know, I guess he has that no more up
24 there, I'm not sure.

25 Q. We'll let it go.

1 CASE: COUNTY OF INYO V. DEPT. OF INTERIOR
2 DEPOSITION OF: LEONARD HUARTE
3 DATE OF DEPOSITION: MARCH 5, 2008

4 **REPORTER'S CERTIFICATE**

5 I, NICCOLE M. ROSSY, CSR No. 10698, Certified
6 Shorthand Reporter, certify:

7 That the foregoing proceedings were taken
8 before me at the time and place therein set forth, at
9 which time the witness was put under oath by me;

10 That the testimony of the witness and all
11 objections made at the time of the examination were
12 recorded stenographically by me and were thereafter
13 transcribed;

14 That the foregoing is a true and correct
15 transcript of my shorthand notes so taken.

16 I further certify that I am not a relative or
17 employee of any attorney or of any of the parties, nor
18 financially interested in the action.

19 I declare under penalty of perjury under the
20 laws of the state of California that the foregoing is
21 true and correct.

22 Dated this 17th day of March, 2008.

23
24 _____
25 NICCOLE M. ROSSY, CSR #10698