



## BOARD OF SUPERVISORS COUNTY OF INYO

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Via Express Mail and E-Mail [senator@feinstein.senate.gov](mailto:senator@feinstein.senate.gov)

November 7, 2006

The Honorable Diane Feinstein  
United States Senate  
Hart Building #331  
Washington DC 20510

Dear Senator Feinstein:

The County of Inyo recently filed suit against the United States Department of Interior and subordinate agencies to gain access to four County roads closed by the National Park Service under the authority of the California Desert Protection Act of 1994. We feel it is important to inform our Congressional representatives of our reasons for this suit, and our continuing concerns over the handling of County highways in Death Valley National Park.

The County was aware that a good deal of negotiation and compromise went into the creation of Death Valley National Park and the wilderness areas contained within the Park. While the County was aware of this process, it was never informed that Congress intended to seize County rights-of-way in order to create wilderness areas or that federal employees were delegated authority to do so. In fact, it appears that the Act protects existing property rights and that, minimally, it protects long-standing County highways. Under California law, only this Board of Supervisors may close a County highway. Nevertheless, the NPS has blocked two County highways and threatened two others.

It concerns this Board that the County's authority over its road system is being subverted so casually and apparently at the caprice of federal officials. Roads that the County has maintained for many decades have been closed while others are open as usual. The County was not informed of the status of any of these roads until one was graded two years ago and NPS officials demanded a contribution to restore it to its pre-1900 condition. Furthermore, the NPS has yet to publish a map of park wilderness areas as required by the Act. On the contrary, the NPS is preparing a map of the park that is in numerous areas inconsistent with the Congressional maps incorporated by the Act. This new map includes areas as wilderness that were clearly not so delineated in the Act. There have been no discussions with the County or with the public regarding these newly proposed wilderness areas and none are planned. It appears that federal employees are not only assuming County authority, but that of Congress as well.

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It is for these reasons that this Board has felt it has no recourse but to bring suit against the United States. We can only conclude that the NPS has exceeded its lawful authority and failed to comply with the mandates of the Act. The roads in question here are part of the County highway system and do not exist at the whim of federal officers. We feel that a Congressional inquiry on this matter, from the House and the Senate, would help shed light on these issues and might lead to a better process for future wilderness designations and federal land use decisions. Please contact the undersigned if we can provide more information.

Sincerely,  
*(Original signed)*

Supervisor Susan Cash, Chairperson  
Inyo County Board of Supervisors

SC/RK:dg  
Enclosure - Complaint to Quiet Title, County of Inyo v. DOI *et al*

iC:Litigation/RS2477FeinsteinLtr.