



## FINDING OF NO SIGNIFICANT IMPACT

### WILDERNESS AND BACKCOUNTRY STEWARDSHIP PLAN DEATH VALLEY NATIONAL PARK, CALIFORNIA and NEVADA

July 2013

The National Park Service (Service or NPS) will implement a Wilderness and Backcountry Stewardship Plan (Plan) to guide the future management of congressionally designated wilderness lands within Death Valley National Park (Park). The Plan also includes non-wilderness backcountry concerns, such as backcountry road corridors and campsites, backcountry cabins near roads, and other non-wilderness backcountry lands. This Plan is considered an implementation plan tiered from the 2002 *Death Valley National Park General Management Plan* and its associated Environmental Impact Statement. The Saline Valley Warm Springs area is not covered in this plan, as it will be managed according to the Saline Valley Warm Springs Management Plan and Environmental Impact Statement (EIS). The EIS for Saline Valley Warm Springs is currently under development, and a Record of Decision will not be issued until fall of 2015 at the earliest. Future disposition of the Mormon Peak tower and microwave repeater, located in designated wilderness, will be thoroughly evaluated in a separate environmental compliance process projected to commence in 2013.

#### PURPOSE AND NEED FOR FEDERAL ACTION

The purpose of this Wilderness and Backcountry Stewardship Plan for Death Valley National Park is to provide a framework by which to preserve and improve wilderness character while providing for unique visitor opportunities for quiet, solitude, and primitive adventure; and to accommodate continued use of the Park's unpaved roads and protection of backcountry resources. Completion of the planning process also fulfills the requirements of NPS policy that parks have a wilderness management plan and a backcountry management plan (combined in this case) and addresses the needs identified in the 2002 *Death Valley National Park General Management Plan*.

#### SELECTED ALTERNATIVE

Based on the environmental impact analysis documented in the *Death Valley National Park Wilderness and Backcountry Stewardship Plan Environmental Assessment (EA)*, and with consideration for public scoping comments as well as public comments received following release of the EA, the National Park Service has selected Alternative D: Focused Action for

implementation, with specific modifications incorporated into the selected action as described below. These changes resulted from analysis of public comments and suggestions made on the EA. The changes do not alter the intensity or duration of impacts as analyzed in the EA, and are itemized here and incorporated by reference in the complete description of the selected action. The specific modifications are as follows:

1. Changes in restrictions on Day Use Running Sporting Events. The Selected Action allows the event on Titus Canyon Road once per 90 days, and on West Side Road once per 60 days, with a maximum of 250 people and 15 support vehicles per event.
2. Changes in restrictions on the Historic Wagon Train Event. The Selected Action allows one event per year, with travel restricted to existing backcountry roads. No more than 15 wagons and 50 stock and no more than 3 support vehicles.
3. Changes in restrictions on the Historic Equestrian Event. The Selected Action allows one event per year, with travel restricted to existing backcountry roads only. No more than 50 horses and no more than 18 support vehicles.
4. Changes in restrictions on non-commercial day use hiking or photography groups. The selected action allows non-commercial groups of up to 15 individuals and four support vehicles (vehicles operating on designated roads only) to obtain a special use permit for day use hiking in backcountry or wilderness areas.
5. Changes in the implementation of the Designated Roadside Camping Corridors (DRCC). In the Selected Action, existing campsites in new DRCCs will first be individually evaluated, and the Park will continue the dialogue with interested parties during this evaluation and design phase. The DRCCs will be subject to a phased implementation, with one road corridor developed as a DRCC and evaluated for its effectiveness in reducing resource impacts and visitor use conflicts before implementation in other areas.
6. Changes in the implementation of a permit system for day use canyoneering. A permit system will be instituted for canyoneering activities in Death Valley National Park. In this pilot permit system, permits will be issued on an annual basis to individual canyoneers, with a mechanism for each individual to report number of trips and trip locations. All permits will include terms and conditions to require clean and safe canyoneering practices, environmental sensitivity, and respect for other park visitors. Depending on patterns of visitor use, visitor safety, and resource conditions, the permit system could be modified to a day-use system for specific canyons or for the entire Park. Permits may be free or for a nominal cost, depending on the requirements for the permit system developed.
7. A decision on the location of the Mormon Peak phone communication facility will be made in the context of a future environmental compliance process. Through this process, the NPS will consider alternate locations for the facility. This facility is currently located in wilderness and the right of way authorizing the facility expired on May 26, 2012.

Overall, the selected action will recognize and protect the premier wilderness and backcountry resource values of the entire Park while providing for a range of visitor experiences and opportunities in specific locations. Some areas along paved and unpaved maintained road corridors will be managed for those visitors who want to experience the wilderness and backcountry but may need additional services, facilities, and/or direction. The majority of the wilderness, backcountry, and backcountry roads will be managed for self-directed exploration as well as self-reliant travel.

## **Camping**

The group size limit for dispersed overnight use in wilderness will be 12 individuals per private party per night. The group size limit for dispersed camping along backcountry roads will be 12 individuals and 4 vehicles per private party per night. A requirement to pack out solid waste and toilet paper using a sanitary system will be implemented during high use seasons as needed along the Cottonwood Canyon and Marble Canyon Loop, including both the roads and hiking route.

Approximately 695 miles of existing backcountry roads will remain open for self-directed dispersed roadside camping. Site selection will be on a first-come, first-served basis and visitors will be encouraged to camp in previously used campsites in order to minimize campsite proliferation and associated impacts. Dispersed roadside camping will not be allowed within 1 mile of all paved roads, plus along the following graded dirt roads: Titus Canyon, West Side Road, Wildrose, Skidoo Mine, Aguerberry Point Road, Mosaic Canyon, Cottonwood Canyon Road (first 8 miles), Grotto Canyon Road, Keane Wonder Mine Road, Salt Creek Road, Historic Stovepipe Wells Road, Racetrack Road from Teakettle Junction to Homestake Dry Camp, Natural Bridge Canyon, and Desolation Canyon, Big Pine Road and anywhere along the Death Valley floor from Ashford Mill to 2 miles north of the Mesquite Flat Sand Dunes. Darwin Falls Trail and the Greenwater Canyon (not Greenwater Road) will be designated as day use only. Dispersed camping will not be allowed in Designated Roadside Camping Corridors (DRCC); however, the DRCCs will be phased in and evaluated as described below.

Existing campsites in new DRCCs will first be individually evaluated, and the Park will continue the dialogue with interested parties during this evaluation and design phase. The DRCCs will be subject to a phased implementation, with one road corridor developed as a DRCC and evaluated for its effectiveness in reducing resource impacts and visitor use conflicts before implementation in other areas. Those sites found to reduce resource and visitor use conflicts will be marked and managed as designated campsites and all other sites will be restored to natural conditions.

Potential DRCCs include the following road segments: Echo Canyon Road to Inyo Mine (4-9 sites), Hole-in-the-Wall Road (3-6 sites), Greenwater Valley Road (3-6 sites), Cottonwood Canyon Road (6-10 sites), and Marble Canyon (2-4 sites). All DRCC campsites will be marked with a sign post indicating site number and number of vehicles allowed. Permits will be required for overnight use. Designated sites might or might not have firepits. Sites will be located to protect sensitive resources, provide for quality visitor experiences, and to avoid natural hazards

to the extent practicable. Any sites along Greenwater Valley Road will be surveyed for tortoise before selection, and signage at these sites and at the entrances to this particular DRCC will include information about tortoise protection. If maximum build-out is implemented, designated roadside camping corridors will be established along 55 miles of existing roads and will accommodate 18-35 designated roadside campsites. As stated, this potential development is subject to a phased implementation, with one road corridor developed as a DRCC and evaluated for its effectiveness in reducing resource impacts and visitor use conflicts before implementation in other areas.

Existing primitive campgrounds located at Eureka Dunes (10 existing sites) and Homestake Dry Camp (4 existing sites) will be better defined, including delineation of 1 group site plus three new campsites at Eureka Dunes and two new campsites at Homestake Dry Camp. In addition, a new 10-site primitive campground will be developed in an existing disturbed area at Salt Wells near the intersection of West Side Road and Galena Canyon Road. At each campsite, the sites will be clearly delineated and have access to a toilet facility. Sites may or may not have picnic tables or firepits. Permits will be required for overnight use. Volunteer campground hosts will be sought for primitive campgrounds during high use seasons. The highest priority for siting a host will be Eureka Dunes.

### **Roads, Trails, and Sanitation**

Approximately 590 miles of existing unpaved roads will be managed as backcountry exploration roads with minimal maintenance by NPS except as necessary to keep road conditions passable by high clearance four wheel drive vehicles. Approximately 410 miles of existing unpaved roads will be managed as backcountry corridor roads, including routine maintenance by NPS or other agencies to keep road conditions passable by two-wheel drive vehicles.

The selected action will formalize existing informal trailheads and routes at Fall Canyon, Darwin Falls, Ubehebe Peak, and Cottonwood/Marble Canyons. New trailheads and marked routes will be created at Indian Pass, Dante's Peak, Eureka Dunes, and Sidewinder Canyon. If Surprise Canyon, either through the separate Surprise Canyon EIS planning process or pending legislation, were designated off-limits to vehicle traffic, a trailhead could be established cooperatively with the BLM at Chris Wicht's Camp. (If Surprise Canyon is designated by the EIS or federal legislation as open to vehicular traffic, no such trailhead would be established.) All trails and routes will generally be primitive, with a minimum amount of wayfinding aids such as posts or rock cairns. Each trailhead will include a place to park and signs or posts to aid visitors in accessing the trail, though the configuration and information available at each trailhead will be highly variable. Some trailheads may also have toilet facilities as indicated above in the description of waste management facilities. These trailheads, in combination with existing Park trails, will provide access to 55 miles of designated trails and hiking routes in Death Valley National Park's wilderness and backcountry.

New low maintenance toilets will be added at non-wilderness sites at these locations: Mosaic Canyon Trailhead, Darwin Falls Trailhead, Keane Wonder Mine Trailhead, Salt Wells Campground, Leadfield historic site, and near the Ubehebe Crater parking lot. The Park will replace or upgrade existing toilet facilities at Homestake Dry Camp and Eureka Dunes, as well as add an additional toilet to the Eureka Dunes area. In addition, a toilet will be installed or the existing septic system rehabilitated at Warm Springs Camp; and the existing outhouses will be replaced with toilets, or a pack out toilet option will be instituted at each of the Butte Valley cabins. The site placement, toilet type, and capacity will be determined based on engineering studies, anticipated use conditions, and environmental compliance to include Section 106 consultation with the State Historic Preservation Office.

### **Backcountry Cabins**

Backcountry cabins will be evaluated for historic significance and safety concerns, and—over time—treatment prescriptions will be developed. Volunteer stewardship activities will implement some of these treatment prescriptions. The maximum stay limit for Warm Springs Camp, Russell’s Camp, Stella’s Cabin, and Geologist Cabin will be three consecutive nights. Until further evaluations are completed and other treatments prescribed, all other cabins in the backcountry will continue to be available for public use on a first-come, first-served basis with a seven day stay limit. Permits will be required for all overnight cabin use, and will be available as described in the Plan’s overnight permit system below. All fires in cabins will be prohibited. If the Park installs a fire ring outside a particular cabin consistent with backcountry fire ring placement in the selected action (as detailed below), fires will be permitted in the fire rings outside cabins. All cabin use will be at visitors’ own risk and known safety hazards will be signed or otherwise identified on site. No installation of locks will be allowed. At cabins, there will be a requirement that human waste be disposed of at least 400 feet from the cabin or packed out, unless there is a park-installed toilet facility.

The NPS may formally manage on a seasonal basis (up to six months per year) the cabins at Warm Springs and Butte Valley for administrative purposes, such as a base of operations for researchers, education groups, and artists-in-residence. Before administrative use can be implemented, these cabins will require rehabilitation, in compliance with the National Historic Preservation Act and all other applicable historic and cultural preservation laws. Rehabilitation is not expected to occur in the next five years. Until rehabilitation occurs, the cabins will continue to be available for public use on a first-come, first-served basis. When these cabins are managed for administrative purposes, the cabins will continue to be available to the public at times of non-administrative use on a first-come, first-served basis.

### **Campfires**

No campfires will be allowed in wilderness. Wood campfires will be allowed only in NPS provided fire rings in primitive campgrounds, some designated roadside camping corridor sites,

outside some cabins, and some dispersed roadside sites outside of wilderness (< 50 total fire rings will be installed parkwide under the Plan). No fuelwood collection will be allowed on site. All fuelwood imported to the Park's backcountry will be either USDA-certified pest free wood, or else non-native wood of local source. The Park will work with commercial vendors of firewood within Death Valley and gateway communities to make this pest free firewood widely available. Users must pack out ashes. No wood campfires in visitor firepans will be allowed. No backcountry charcoal fires will be permitted in charcoal grills brought by visitors. Controlled gas fires (e.g. propane, white gas, petroleum naphtha, or similar fuels for cook stoves) will be allowed in devices designed for that purpose, both in the backcountry and the wilderness.

### **Signage**

New wayfinding, regulatory, and interpretive signs will be installed at key locations. Sign needs will be further evaluated and consistent graphics and wording will be used. Some of the new signs expected under the selected action include: trailhead signs at all formal trailheads; directional markers such as rock cairns or posts to aid in route finding at specific locations along Fall Canyon Trail, Sidewinder Canyon Trail, and Cottonwood/Marble Loop crossover; road name signs at confusing junctions along backcountry road corridors (backcountry exploration roads will specifically not be signed); signs noting the beginning of designated roadside camping corridors; and warning signs near hazards at the upper falls of Darwin Falls, Keane Wonder/Chloride Cliffs, and Lippincott Road.

### **Permits**

Permits will be required for all overnight wilderness and some overnight backcountry use, including overnight use at backcountry cabins, in designated roadside camping corridors, at primitive campgrounds, and in wilderness areas. Permits will not be required for dispersed roadside camping. Permits will be free for the first three years, and then the Park will evaluate its permit process to determine management effectiveness and whether or not a fee-based system is feasible and appropriate. The permit will not be a reservation for a particular area; use of backcountry and wilderness areas will still be on a first-come, first-served basis. The mandatory permit will include a proposed itinerary disclosure to aid in search and rescue, as well as to inform visitor use statistics. Permit terms and conditions will apply. Permits will be issued through multiple venues, including via the internet. If after three years fees are determined feasible and appropriate for this permit system, fees would also be explored for the Emigrant, Wildrose, Thorndike, and Mahogany Flats developed campgrounds. The exact fee would be determined based on NPS policy and comparability study, which involves further public engagement.

A permit system will be instituted for canyoneering activities in Death Valley National Park. In this pilot permit system, permits will be issued on an annual basis to individual canyoneers, with a mechanism for each individual to report number of trips and trip locations. All permits will include terms and conditions to require clean and safe canyoneering practices, environmental

sensitivity, and respect for other park visitors. Depending on patterns of visitor use, visitor safety, and resource conditions, the permit system could be modified to a day-use system for specific canyons or for the entire Park. Permits may be free or for a nominal cost, depending on the requirements for the permit system selected.

### **Commercial Services and Non-Commercial Activities in Wilderness**

The selected action is guided by a determination of the extent commercial services are necessary for realizing the purposes of Death Valley National Park's wilderness, outlined and documented in Appendix J of the Plan/EA. The day use commercial services that are authorized in Death Valley National Park wilderness under the extent necessary determination are guided hiking and photography groups of up to 12 people, with no more than one group per day in Mosaic Canyon, Natural Bridge Canyon, and Sidewinder Canyon. The overnight commercial services that are authorized in Death Valley National Park wilderness under the extent necessary determination are guided hiking, camping and photography groups of up to 12 people per group, with no more than one group per day in Cottonwood Canyon, Marble Canyon, and Indian Pass Canyon. All other commercial services in Death Valley National Park wilderness were determined to be unnecessary for realizing the purposes of wilderness, including commercial guided horse and pack animal trips, commercial guided climbing trips, and commercial guided canyoneering trips.

Listed below is a complete summary of the commercial services in wilderness that Death Valley National Park will authorize and will not authorize under the selected action, including restrictions on group sizes. This section also describes the conditions that will apply to non-commercial groups who recreate in Death Valley wilderness. Non-commercial groups may apply for a special use permit for the following activities in wilderness at the described group size levels.

- Commercial Day Use Hiking and Photography Groups: Limited to 12 people per group for commercial use groups, with one commercial group per day in Mosaic Canyon, Natural Bridge Canyon, and Sidewinder Canyon.
- Non-Commercial Day Use Hiking and Photography Groups: Limited to 15 people per group.
- Commercial Overnight Backpacking / Hiking Groups: Limited to 12 people per group for commercial use groups in wilderness, with one commercial group per day in Cottonwood Canyon, Marble Canyon, and Indian Pass Canyon.
- Non-Commercial Overnight Backpacking / Hiking Groups: Limited to 12 people per group.
- Commercial Stock Use: Neither day nor overnight commercial stock use is allowed in wilderness.
- Non-Commercial Day Use Stock Use: Non-commercial stock groups will be allowed in wilderness on the Wildrose Peak, Ubehebe Peak, and the Indian Pass Canyon, Fall

Canyon and Cottonwood/Marble Canyon hiking routes, but excluded in sand dunes and all other designated trails in wilderness. Group size limited to 8 animals and 12 people.

- Non-Commercial Overnight Stock Use: Non-commercial stock groups will be allowed in wilderness on the Wildrose Peak, Ubehebe Peak, and the Indian Pass Canyon, Fall Canyon and Cottonwood/Marble Canyon hiking routes, but excluded in sand dunes and all other designated trails in wilderness. Group size limited to 8 animals and 12 people.
- Commercial Day Use Guided Canyoneering Groups: Not allowed in wilderness.
- Day Use Bicycle Sporting Events: Not allowed in wilderness.
- Commercial Day Use Guided Climbing Groups: Not allowed in wilderness.

### **Commercial Services and Non-Commercial Activities in Backcountry Areas**

Listed below is a complete summary of the commercial services in backcountry areas that Death Valley National Park will authorize and will not authorize under the selected action, including restrictions on group sizes. This section also describes the conditions that will apply to non-commercial groups who recreate in Death Valley backcountry areas. Non-commercial groups may apply for a special use permit for the following activities in the backcountry at the described group size levels.

- Commercial and Non-Commercial Day Use Motorcycle Groups: One event per location per day and no more than 2 events per location per week. Travel restricted to backcountry roads only. Group size limited to 20 motorcycles per group, plus no more than 4 support vehicles.
- Commercial and Non-Commercial Day Use 4-wheel-drive Groups: One event per location per day and no more than 2 events per location per week. Travel restricted to existing backcountry roads only. Group size limited to 12 vehicles total.
- Commercial Day Use Hiking and Photography Groups: Limited to 12 people per group and 4 support vehicles for commercial use groups. Vehicle travel restricted to existing backcountry roads only.
- Non-Commercial Day Use Hiking and Photography Groups: Limited to 15 people per group and 4 support vehicles. Vehicle travel restricted to existing backcountry roads only.
- Commercial and Non-Commercial Day Use Guided Bicycle Groups: One event per location per day. Bicycle use and support vehicles allowed on backcountry roads only, no off-road travel permitted. Group size limited to 25 bikes and no more than 4 support vehicles.
- Commercial and Non-Commercial Day Use Guided Horse and Pack Animal Trips: One event per location per day. Travel with pack animals and support vehicles restricted to backcountry roads only. Group size limited to 8 animals and no more than 4 support vehicles.



- Commercial and Non-Commercial Day Use Running Sporting Events: Allowed on Titus Canyon Road once per 90 days, and on West Side Road once per 60 days, with a maximum of 250 people and 15 support vehicles per event.
- Commercial and Non-Commercial Guided Overnight Motorcycle Groups: One event per location per day and no more than 2 events per location per week. Travel restricted to existing backcountry roads only. No more than 12 people and 4 support vehicles.
- Commercial and Non-Commercial Guided Overnight 4-wheel-drive Groups: One event per location per day and no more than 2 events per location per week. Travel restricted to existing backcountry roads only. No more than 12 people and 4 vehicles total.
- Commercial and Non-Commercial Guided Overnight Bicycle Groups: One event per location per day and travel restricted to existing backcountry roads only. No more than 12 people and 4 support vehicles.
- Commercial and Non-Commercial Guided Overnight Backpacking / Hiking Groups: No more than 12 people and 4 support vehicles. Support vehicles restricted to travel on backcountry roads.
- Commercial and Non-Commercial Guided Overnight Horse and Pack Animal Groups: Travel in backcountry restricted to existing backcountry roads only. No more than 12 people, 8 animals, and 4 support vehicles.
- Overnight Historic Wagon Train Events: One event per year and travel restricted to existing backcountry roads. No more than 15 wagons and 50 stock, and no more than 3 support vehicles.
- Overnight Historic Equestrian Events: One event per year and travel restricted to existing backcountry roads only. No more than 50 horses and no more than 18 support vehicles.

### **Stock Use**

Under the selected action, overnight stock use by non-commercial groups will require a user permit to be obtained in the Park's visitor contact stations or online in advance of entry into the Park. Overnight stock use by commercial groups will require an appropriate commercial use authorization, available through the Park's office of commercial services. Stock will be limited to horses, mules, burros, llamas, and alpaca used for riding or packing. Weed-free feed will be required and must be fed three days in advance of entry into the Park to avoid transport of invasive weeds in the gut of the animal. Non-commercial stock groups will be allowed on the Wildrose Peak, Ubehebe Peak, and the Indian Pass Canyon, Fall Canyon and Cottonwood/Marble Canyon hiking routes, as well as backcountry roads, but excluded in sand dunes and all other designated trails. Commercial stock groups will be limited to backcountry roads only. Stock will be required to be controlled at all times (including use of hobbles, pickets, or highlines when idle). Stock will not be allowed to graze on local vegetation, nor will they be allowed to camp within 100 yards of water.

## **Grazing**

Grazing at Hunter Mountain, the last remaining open allotment in the Park, will be permanently retired as provided for in the California Desert Protection Act of 1994 and the 2002 *Death Valley General Management Plan*. The allotment will be permanently retired with either a willing seller scenario or after a period of 5 years of non-use. Upon retirement, all associated range improvements (e.g. fences, pipelines, water tanks, corrals, cabin, etc.) will be evaluated for historical significance and those determined to be historic will be treated according to the NPS standards for cultural resources. Those that are determined to be non-historic will be removed and the area restored to meet wilderness character values.

## **Wireless Communication**

New wireless communication towers for commercial enterprises will not be permitted in Death Valley National Park wilderness. Where commercial wireless facilities are proposed for installation in non-wilderness backcountry lands, the proposal will be evaluated for environmental impacts as provided for in the National Environmental Policy Act, including cumulative impacts on wilderness character as applicable. In general, any wireless communication towers will be sited to minimize environmental impact, optimize access for maintenance while protecting park resources, be painted or designed to blend in to the landscape, be low in stature, and be as unobtrusive as possible. Such considerations will be included in the environmental impact analysis, as will any policy and procedures in place at the time of application. Applications for wireless communication towers in frontcountry developed areas will be prioritized for review over applications for these facilities in backcountry areas.

## **Air Tour Management**

Air tours will be managed as prescribed in the Air Tour Management Plan, which is undergoing environmental review in a parallel planning process. The current interim operating authority identifies a maximum of 67 commercial air tours per year. Private airplane use will continue to be managed by Federal Aviation Administration (FAA), and the NPS will continue to work cooperatively with FAA to resolve problems and protect park resources. The only current backcountry airstrip will be managed according to the provisions of the Saline Valley Warm Springs Management Plan and Environmental Impact Statement once this plan is approved; no other backcountry airstrips currently exist and none will be constructed in the Park under the selected action.

## **Specialized Recreation in Wilderness—Sandboarding, Peak Registers, Water Caching, Caving, Climbing, and Canyoneering**

For the protection of rare plants and wilderness character, sandboarding will be prohibited in the Eureka Dunes, Ibex, and Panamint dune systems. Implementation of this public use restriction will commence upon plan approval and publication in the Superintendent's Compendium.

Nineteen peaks on the Sierra Club Desert Peaks Section list of 99 desert peaks and an additional 31 peaks identified in Andy Zdon's *Desert Summits* book are located within Death Valley; these 50 peaks currently have peak registers where climbers record their names and short messages. The existing registers at these 50 peaks will remain. When registers are full they will be archived at the Park, and new registers consistent with the historic registers will be used to replace them. However, no new registers will be allowed to be installed at additional locations. Any registers in locations not mentioned above will be removed.

Water caches for multi-day hiking trips will be allowed in wilderness and backcountry areas subject to the following requirements:

- Water caches are an extreme measure and should only be used when there is no other alternative (e.g. resupply at road crossings, carry enough water for the trip, plan a route to follow perennial natural water sources, etc.).
- All water caches located in wilderness must be transportable using non-motorized, non-mechanized methods (e.g. hikers must transport the water either by pack stock or by backpacking).
- All water caches are limited to 30 days duration from the time the water is initially cached until it is consumed and the containers removed.
- Caches may not involve digging or any disturbance to natural or cultural resources.
- Caches pose specific health risks including water contamination and unexpected loss of the cache (due to weather, wildlife, vandalism, etc.). All visitors who chose to cache water do so at their own risk.
- All proposed caches must be identified at the time of the overnight visitor use permit request, including cache locations, volumes to be cached, and the dates the cache will be left and when it will be removed.

All cave passages located totally within the surface wilderness boundary and all caves that have entrances within wilderness but contain passages that may extend outside the surface wilderness boundary will be managed as wilderness. Caves that have multiple entrances located both within and exterior to the surface wilderness boundary will be managed in keeping with the surface boundary.

Climbing and canyoneering are both legitimate recreational pursuits recognized by the selected action, but there are limitations on where and under what conditions they may be appropriate. "Clean climbing" techniques involving the use of temporary equipment and anchors that can be placed and removed without altering the environment (e.g. slings, webbing, cams, nuts, chocks, and stoppers) are preferred and should be the norm. No additional climbing hardware such as bolts may be left in a fixed location without review by the park's Wilderness Committee and approval from the Superintendent; however, if an existing bolt or other existing hardware is unsafe, it may be replaced in kind. The occasional placement of a fixed anchor or webbing for belay, rappel, or protection purposes does not necessarily impair the future

enjoyment of the wilderness. However, climbing and canyoneering practices with the least negative impact on wilderness resources and character will be the preferred choice. Intensively bolted routes are not appropriate in wilderness. The physical altering of rock surfaces such as chiseling or the intentional removal of lichens or plants, glue reinforcement of existing holds, and gluing of new holds is prohibited. The use of motorized drills is prohibited within wilderness, and rock climbing is not allowed within 200 yards of an archeological or cultural site. These public use restrictions will be included in the park's Compendium.

### **Zoning and Wilderness Character Monitoring**

The selected action defines four management zones for Death Valley wilderness and backcountry lands; these zones generally identify how different areas will be managed to maintain or improve wilderness character within designated wilderness, preserve natural and cultural resources, provide for recreational access and use, and serve operational purposes. The four zones are: Wild Zone, Backcountry Exploration Zone, Backcountry Corridor Zone, and High Use/Directed Use Destination Zone. Zoning in the selected action is an administrative tool and cannot be used to alter the requirements of the Wilderness Act or the California Desert Protection Act. Specific qualities of the selected action's zones are fully detailed in the Environmental Assessment under section 2.2 and in Tables 6, 7, and 8. The selected action will include approximately 3,094,500 acres in the Wild Zone; 202,500 acres in the Backcountry Exploration Zone; 6,000 acres in the Backcountry Corridor Zone; and 17,000 acres in the High Use/Directed Use Zone. Specific visitor capacity management actions will be implemented at the following sites that are zoned for High Use/Directed Use: Aguerberry Point, Eureka Dunes, Skidoo Historic Site, Keane Wonder, Mosaic Canyon, Mesquite Flat Dunes, Telescope Peak, Surprise Canyon, Ubehebe Crater, Racetrack Playa, Butte Valley, Indian Pass, Titus Canyon, Cottonwood Canyon, Sidewinder Canyon, and Natural Bridge Canyon. Detailed descriptions of the management actions for areas zoned for High Use/Directed Use are included in Table 9 of the Plan. To accomplish these management actions, the Park will implement a Wilderness Character Monitoring Strategy (Appendix G of the Plan) and a Wilderness and Backcountry Education Strategy (Appendix I of the Plan) to achieve the management goals and prescriptions.

### **Minimum Requirements Analysis**

There are a number of facilities and installations in Death Valley National Park wilderness examined in the Plan/EA. Principal among them are emergency communications installations. There is a NPS radio repeater on Grapevine Peak and on Dry Mountain, both within the wilderness boundary. These repeaters are part of a network of non-commercial radio repeaters that provides a means of emergency communications for the National Park Service and other law enforcement and land management agencies, and with current technological constraints, have been determined the minimum tool necessary for the administration of Death Valley National Park's extensive wilderness areas. Depending on the weight of the equipment to be replaced or maintained, the minimum tool that has been determined necessary to maintain these facilities includes helicopter. The selected action includes these minimum requirement determinations.

For future potential actions that may involve Wilderness Act section 4(c) prohibited uses within the wilderness area (prohibitions include temporary roads, use of motorized vehicles, motorized equipment, or motorboats, landing of aircraft, other form of mechanical transport, and structures or installations), the NPS will conduct a minimum requirements analysis to determine whether the proposed action is necessary for the administration of the Death Valley National Park wilderness. Under no circumstances may a Minimum Requirements Analysis be used to allow permanent roads or commercial enterprise within wilderness. Appendix L of the Plan/EA details the process for conducting the Minimum Requirements Analysis, including provisions for interdisciplinary review.

### **Stewardship, Education, and Research**

The NPS will actively facilitate and encourage stewardship activities, particularly related to cabins, roads, and trails. Volunteer opportunities will be provided for organized groups as well as individuals and families. The existing Volunteer-in-Parks program will be expanded to provide a wide range of volunteer experiences, ranging from short-term (e.g. a few hours) to long-term (work weekends, week-long, and season-long). Volunteers will be recruited using a wide variety of communication methods. Special request stewardship opportunities will be handled on a case by case basis. All stewardship activities will require appropriate safety equipment, training, and best practices.

Death Valley National Park will formally adopt and emphasize Leave No Trace® and Tread Lightly!® for both internal and external audiences (park visitors, special park use permittees, work crews, park partners, etc.). A variety of educational messages and delivery methods will be used to achieve desired outcomes as described in the “Death Valley National Park Wilderness and Backcountry Education Strategy” (Appendix I in the Plan).

In recognition of the importance of research in Death Valley, the continuation of such research efforts will be encouraged. To facilitate research while providing for the protection of wilderness character, park resources, and visitor experience, the Park will adopt a framework for evaluating research and science activities in wilderness. In wilderness, research that is proposed to include any of the Wilderness Act 4(c) prohibitions will only be approved if it is necessary to meet the minimum requirements for administration of the wilderness area. The criteria applied to research proposed in Death Valley wilderness will therefore include an evaluation using the minimum requirement analysis, and the criteria for evaluating research will also include a process that assesses impacts against benefits to wilderness. The complete “Framework for Evaluating Research and Science Activities in Death Valley National Park Wilderness” is found in Appendix H of the Plan.

## Resource Management Actions

As part of its selected action, the NPS will undertake specific resource management actions to restore the desired natural and cultural resource conditions specific to wilderness character.

These actions include:

- Removal of non-historic debris, including the removal of non-functioning and abandoned utility and research installations, remains of motorized vehicles and airplane crashes, abandoned property, and other similar debris for the purpose of preserving wilderness character. Before this project proceeds at any site, the Park will ensure that cultural resources (i.e. archeological sites, historic trails and routes, cultural landscapes, historic structures, and ethnographic resources) are protected and maintained according to the pertinent laws and policies governing cultural resources using management methods that are consistent with the preservation of wilderness character and values. Cultural resources will be managed according to existing laws, policies, and ongoing inventory and treatment programs. Cultural resources listed or eligible for listing in the national register will be managed in accordance with *The Secretary of the Interior's Standards and Guidelines*, which set forth standards for the treatment of historic properties and contain standards for preservation, rehabilitation, restoration, and reconstruction, in accordance with the National Historic Preservation Act. Non-historic debris will be prioritized for removal based on the criteria and process outlined in Appendix O of the Plan. Removal of any debris that may be of military origin will be coordinated with the Department of Defense.
- Removal of non-historic motor vehicle routes using techniques specific to the route but typically involving raking of existing vehicle tracks, the creation of a natural barrier to off-road travel (e.g. boulders) if possible, installation of vertical and horizontal mulch, breaking up compacted soil to encourage plant establishment, and actively or passively restoring native plants and contours to the route.
- Restoration of sheet flow at Racetrack Playa. The Racetrack ditch was installed in 1968 by Death Valley National Monument staff as a barrier to vehicular trespass on the Racetrack Playa. This installation was accomplished at the same time that the old road traversing the Racetrack Playa was relocated to the west of the playa for purposes of geologic restoration. The road was graded and the ditch was re-dug every 3-4 years until 1990, when it was recognized that the ditch interrupted natural hydrologic processes. In order to accomplish hydrologic restoration, the berms and unnatural sediment accumulations next to the Racetrack Road will be pulled into the roadway by mechanical means to restore the grade for a total distance of 3.0 miles. This action will result in additional disturbance of less than six feet on either side of the existing roadway. Larger plants in this footprint of disturbance, such as creosotes, will be left in place. The roadway for this 3.0-mile section will be maintained after the restoration to the level of the Park's 4-wheel-drive road maintenance standards, in order to provide for 4-wheel-drive vehicle passage while maintaining the natural grade necessary to ensure sheet flow

onto the Racetrack Playa. The ditch will be strategically breached at intervals by hand crews under supervision of the Park hydrologist and an archeological monitor, in order to encourage flow to the Racetrack Playa while protecting historic and pre-historic resources. To prevent vehicle trespass on the playa, a cable fence will be installed along the 2.5 miles of the Racetrack Road closest to the playa. The fence will be comprised of a one-inch steel cable strung through holes drilled near the tops of eight-inch diameter wooden posts, with tensioners employed to keep the cable taut. The posts will be six feet long, with 24-32 inches of the post above ground and the remainder buried. Post spacing will be 15 feet. The fence will be installed as close as possible to the playa-side edge of the roadway after it is restored to natural grade, in order to mitigate impacts to viewshed and to wilderness character, and avoid impacts to archeological resources. Before this project proceeds in any phase, the Park will conduct an archeological survey of the proposed project area and coordinate with the Tribal Historic Preservation Officer and the State Historic Preservation Officer to ensure that any historic or prehistoric resources are not adversely affected.

- Removal of non-historic artificial wildlife watering devices that interfere with natural flows or wildlife interactions. There are five large artificial watering devices (guzzlers) in wilderness, four in the north end of the Park and one near Pyramid Peak; and 3 known upland game bird watering devices in wilderness. Each of the devices, including the big-game guzzlers, will be inspected by a team of NPS resources management specialists and assessed as to the functionality and necessity of the device. A minimum requirements analysis will be conducted for these installations in wilderness to determine if they are necessary for administration of the wilderness. Where they are determined to be not necessary for the administration of the wilderness, the Park's wilderness coordinator will work in coordination with the Park hydrologist and Park wildlife biologist to develop a removal plan that will remove installations and restore natural conditions to the site.
- Restoration of desert springs that have been altered by modern human activities. Restoration will be accomplished by re-contouring the land surface to natural contours, removal of non-native vegetation, and removal of unnatural impoundments or pipes used to concentrate flows for human use. Some of these spring alterations may be associated with historic activities (mining, ranching, traditional Timbisha use). Such actions will be undertaken at the direction of the NPS natural and cultural specialists but may be conducted by the Timbisha as part of their traditional cultural practices or by Park cooperators.

The selected action also adopts the following Superintendent's Compendium restrictions for Death Valley National Park for the protection of park resources, including wilderness character, and for visitor safety:

- Copper Canyon closure,
- no viewing of wildlife with artificial lights,

- transportation of weapons, traps, etc. allowed with certain restrictions, as detailed in the compendium,
- no camping on Eureka Dunes or one mile from several mine sites listed in the compendium,
- no pets in wilderness,
- no smoking while hiking or riding in wilderness, and
- no geocaching.

## **OTHER ALTERNATIVES CONSIDERED**

Three other alternatives were considered in the EA in addition to the selected alternative.

Alternative A, the No Action Alternative, would continue existing management practices, resulting in current resource conditions and visitor opportunities, and the logical progression of probable trends over time, including adverse impacts to wilderness character. It would not fulfill the requirements of NPS policy that parks have a wilderness management plan and a backcountry management plan (combined in this case), nor would it address the needs identified in the 2002 *Death Valley National Park General Management Plan*. Without the guidance of a Wilderness and Backcountry Stewardship Plan, there would not be a clear focus for setting priorities for management actions or visitor use. Management would continue to tend to be reactive to the needs of the moment rather than being proactive toward specific goals.

Under Alternative B, the Minimum Action Alternative, the Park would largely formalize the no-action alternative and add a few specific actions to address current visitor impact issues while fulfilling current agency requirements for wilderness and backcountry administration (e.g. adopting a minimum requirements decision process, evaluating science in wilderness, etc.). To fulfill the intent of maximizing outstanding opportunities for solitude or primitive and unconfined recreation, visitor services and park operations would be conducted in a manner that minimizes the imprint of modern humans within the wilderness. There would be no new or very limited new infrastructure and facilities in the backcountry. Resource and visitor experience conditions that are currently unacceptable would be identified and addressed through targeted management actions using the least intensive management tools suitable to the situation, and the alternative would engage in very little proactive management to address anticipated future needs.

Under Alternative C, the Maximum Action Alternative, outstanding opportunities for solitude or primitive and unconfined recreation would still occur for self-reliant visitors, but there would be more opportunities for park visitors with less experience or lacking specialized equipment. The Park would seek opportunities to partner with neighboring land management agencies to provide improved access between the Park and adjacent public lands. Where appropriate, new infrastructure and facilities would be developed in backcountry locations to enhance visitor opportunities and mitigate visitor use impacts. Visitor services and park management operations,



including field activities, education, outreach, and interpretive programs would likely increase from current levels. Highest priority would be given to addressing locations where impacts of visitor use are currently unacceptable and actions would be taken to manage visitor use or specific aspects of visitor use in order to meet standards. Over time, other locations would receive increased management with the intent of proactively managing visitor use to maintain desired visitor experiences and protect park resources. All agency requirements for the administration of wilderness and backcountry lands and operations would be addressed. Overall, the Park would be more aggressive in taking management action to address future needs.

### **RATIONALE FOR SELECTED ALTERNATIVE**

The vast wilderness and backcountry lands of Death Valley National Park provide outstanding opportunities for discovery, challenge, and self-reliance in an extreme desert landscape. An examination of environmental impact topics found that all three action alternatives could potentially cause negligible to moderate impacts (both beneficial and adverse) to Park resources, visitor use, and the socio-economic environment; however, all adverse impacts could be mitigated to a minor or lower level. Alternative D was selected as the Park's preferred alternative because it achieved the greatest protection for park resources, including wilderness character, while addressing important concerns regarding visitor use and socio-economic impact to the region. Given the Park's mandate under the Wilderness Act is to preserve wilderness character, and that the Park's purpose under the California Desert Protection Act of 1994 is to preserve unrivaled scenic, historic, geologic, and wildlife values associated with its unique landscapes, while simultaneously providing opportunities for compatible outdoor public recreation and maintaining wilderness resource values, both the environmentally preferable alternative and the Park's preferred alternative is Alternative D: Focused Action.

Implementation of this alternative as the selected action will recognize and protect the premier wilderness and backcountry resource values of the entire park while providing for a wider range of visitor experiences and opportunities in specific locations. Some areas along paved and unpaved maintained road corridors will be managed for those visitors who want to experience the wilderness and backcountry but may need additional services, facilities, and/or direction to access areas of the park. The majority of the wilderness, backcountry, and backcountry roads will be managed for self-directed exploration as well as self-reliant travel. Currently unacceptable resource impacts and those impacts anticipated to manifest in the near future are proactively addressed through specific resource management and visitor use actions, including facilities, education, and administrative tools. All agency requirements for the administration of wilderness and backcountry lands and operations are addressed.

### **Environmentally Preferred Alternative**

As documented in the EA, Alternative D – Focused Action, is the “environmentally preferable alternative.” This alternative takes proactive steps to preserve the park's natural and cultural

resources, including the preservation and enhancement of wilderness character, and it best balances resource protection goals with visitor use and the socio-economic environment. Therefore, Alternative D – Focused Action, is the Environmentally Preferred Alternative. This environmentally preferable alternative is the alternative that will promote the national environmental policy expressed in NEPA [Sec. 101(b)], and specifically:

- **fulfills the responsibilities of each generation as trustee of the environment for succeeding generations.** Implementation of Alternative D will ensure that the NPS has fulfilled this responsibility as trustee for the Park’s resources. The Plan’s measures to protect biological resources and prevent unacceptable impacts to wilderness character will ensure that future generations can enjoy the wilderness and backcountry of Death Valley National Park.
- **ensures for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings.** Implementation of Alternative D will provide safe access along backcountry roads maintained to an established standard and trails with signed trailheads to the resources unique to Death Valley National Park’s wilderness and backcountry.
- **attains the widest range of beneficial uses of the environment without degradation, risk of health or safety, or other undesirable and unintended consequences.** Implementation of Alternative D will achieve the most measured and long-term balance between preservation of the Park’s diverse resources contained within the 3.2 million acre planning area and the multitude of beneficial uses of Death Valley’s wilderness and backcountry, from recreation to research, from historic re-enactments to art, and from education to inspiration. The implementation of Alternative D will allow for the widest range of beneficial uses of the Park’s wilderness and backcountry without degradation, risk of health or safety, or other undesirable consequences.
- **preserves important historic, cultural, and natural aspects of our national heritage and maintain, wherever possible, an environment that supports diversity and variety of individual choice.** Implementation of Alternative D will take specific steps to preserve backcountry cabins and other historic and cultural features, which the Plan identifies as contributing to wilderness character. Implementation of Alternative D will also involve specific steps to preserve endangered plant and animal species, maintain healthy ecological systems, and restore natural hydrologic and geologic processes that contribute to wilderness character. Implementation of Alternative D will also recognize and encourage diverse recreation and research opportunities that abound in Death Valley National Park’s wilderness and backcountry lands.
- **achieves a balance between population and resource use that will permit high standards of living and a wide sharing of life’s amenities.** Implementation of

Alternative D will best achieve the balance between the socio-economic environment, the varied and appropriate uses of Death Valley's wilderness and backcountry, and a resource stewardship strategy that will allow a sustainable sharing of the Park's diverse resources.

- **enhances the quality of renewable resources and approaches the maximum attainable recycling of depletable resources.** Implementation of Alternative D will enhance the natural and cultural resources of Death Valley National Park, including wilderness character, and ensure that these remain renewable resources.

### **ALTERNATIVES CONSIDERED BUT DISMISSED**

The following alternatives were considered during the project scoping phase and were subsequently dismissed from further consideration.

**Manage Backcountry Lands as De Facto Wilderness:** While there are bills that have recently been introduced in Congress to add approximately 90,000 acres to the designated wilderness within Death Valley National Park and there may be other bills introduced in the future, at the time of the planning those lands were not wilderness. As such the lands were zoned for Backcountry Exploration, meaning that while they were not wilderness they would be managed in a way that provided self-reliant and self-directed visitor experiences with minimal facilities. Thus these lands would be managed in such a way that existing visitor uses may continue and that they may retain their eligibility for future wilderness designation as provided for in NPS *Management Policies 2006*, chapter 6. Congress has the authority to designate wilderness; the National Park Service does not. Since the designation of wilderness is outside the scope of this plan, this alternative was dismissed from further consideration.

**Not Zoning Wilderness:** The planning team considered the recommendation to not zone wilderness. The vast majority of the Death Valley wilderness does not experience heavy use and conditions are acceptable, but during internal scoping, the site condition analysis found that there were unacceptable visitor use impacts in some wilderness locations and in other locations the impacts were still tolerable but trending toward unacceptable. These impacts necessitate agency intervention to correct the situation and maintain wilderness character and wilderness values. Zoning was identified as the most effective management tool to plan and accomplish the necessary intervention. Therefore, not zoning wilderness was dismissed from further consideration as an alternative.

**Sub-zoning Wilderness to Take a More Directive Approach to Managing Visitor Use in Wilderness:** The planning team considered sub-zoning wilderness as an alternative. During internal scoping, visitor use data, the results of the "2009-2010 Visitor Use Study" (Appendix C in the Plan), and site conditions were analyzed to determine the variety of visitor uses in wilderness and their impacts. The planning team concluded that there were really only three

categories: 1) locations that experienced relatively high use during some time periods (e.g. seasonally) that created unacceptable impacts primarily due to the volume of use in relation to the ability of the site to accommodate those uses, 2) locations with sensitive natural or cultural resources that were vulnerable to visitor use impacts somewhat independent of use volume, and 3) everything else. Further analysis of the situations described in #1 and #2 above found that many locations met both descriptions: there were some specific periods when the site experienced relatively high volume of public use and there were sensitive resources at the site. The most effective zoning scheme would capture the overlap of the first two conditions, and additional zoning was determined not necessary and potentially confusing to the public and future managers. Therefore, sub-zoning wilderness was dismissed from further consideration.

**Expand the Variety of Backcountry Facilities to Promote New or Additional Visitor**

**Experiences:** During public scoping there were some recommendations to introduce new or improved facilities (e.g. flushing restrooms, outdoor lighting, showers) to accommodate a more frontcountry visitor experience. As the focus on this planning effort is wilderness and backcountry lands, and the general management plan has already addressed the frontcountry lands, it was determined that such suggestions were largely outside the scope of this planning effort and were unfeasible. Similarly there were suggestions to establish bicycle routes in some areas of the Park to increase bicycle opportunities. As bicycles are a form of mechanical transport that is prohibited in wilderness as outlined in section 4(c) of the Wilderness Act, such facilities are inappropriate in most of the Park. The remaining nonwilderness backcountry lands are largely associated with unpaved roads which serve to some extent as bicycle routes. Furthermore, the construction of frontcountry facilities in the backcountry or bicycle trails in wilderness did not meet the purpose and need, nor the goals and objectives established for this planning process. Therefore, the alternative was dismissed from further consideration.

**Improve/Pave Backcountry Roads to Improve Access or Re-open Closed Roads:**

The planning team considered requests made during public scoping to pave or otherwise upgrade the road condition of backcountry roads to make them consistently passable for street vehicles and determined that this maintenance standard was unachievable with current or probable future staff and funding. Furthermore, it was determined that the increase in visitor traffic would dramatically alter the visitor experience and degrade the resource conditions of the Park's backcountry and wilderness lands. There were also suggestions to re-open closed backcountry roads. Most of the closed roads identified during scoping were closed due to wilderness designation in 1994. The NPS does not have the authority to de-designate wilderness or otherwise contradict the Wilderness Act, which states in section 4(c) that there shall be no roads or use of motor vehicles. Road maintenance of any legally open roads could be appropriately analyzed within this Plan. However, because paving roads would not meet the Plan's purpose and need, and because opening roads in wilderness is forbidden under federal law, this alternative was dismissed from further consideration. Backcountry road maintenance standards

developed within the plan outline a process for improvement and maintenance of existing backcountry roads.

## MITIGATION MEASURES

Table 1 itemizes the required mitigation for the implementation of the Death Valley National Park Wilderness and Backcountry Stewardship Plan. Measures are presented by category.

**Table 1. Mitigation Measures to be Implemented**

<b>Resource Topic</b>	<b>Mitigation Measure</b>	<b>Responsibility</b>
<b>General Measures</b>	Prior to construction, all proposed construction locations will be surveyed for cultural and natural resources. As appropriate, steps will be taken to adjust the site plan to avoid known impacts, and project specific mitigation measures will be incorporated into the final design (e.g. plant or topsoil salvage, monitoring during construction, etc.).	Park Resource Management Chief and Park Facility Manager
<b>Vegetation</b>	Equipment used in road maintenance and facility construction activities will be free from exotic plant seeds or propagules, equipment used in road maintenance and facility construction activities will be washed before and after use in backcountry and wilderness, and all reasonable efforts will be made to avoid spreading exotic plants during road maintenance and facility construction activities.	Park Botanist and Park Facility Manager
<b>Geology, Soils, and Hydrology</b>	All new facilities will be sited to avoid alteration of surface water flows and to protect water quality. Care will also be taken to avoid or mitigate geologic and hydrologic hazards (e.g. rock fall, flash floods, etc.) to the extent possible during site placement.	Park Hydrologist and Park Facility Manager
<b>Wildlife</b>	Any construction work in areas suitable for tortoise will implement standard mitigation procedures, including pre-work survey to avoid tortoise burrows, scheduling work outside of active tortoise season, trash containment to avoid attracting predatory ravens, and education programs for contractors or Park staff conducting work in tortoise habitat.	Park Wildlife Biologist and Park Facility Manager
	A preconstruction survey for the desert tortoise shall be performed in potential habitat by an approved biologist/monitor. If burrows are found, the qualified biologist will mark the area, and siting	Park Wildlife Biologist

Resource Topic	Mitigation Measure	Responsibility
<b>Wildlife</b>	of any facilities (e.g., designated roadside campsites) will be avoided in these areas.	
	Signs will be installed at any campsites designated along Greenwater Valley Road to inform visitors of tortoise habitat and protective measures to take in order to avoid impacts to desert tortoises.	Park Wildlife Biologist
	For roads in desert tortoise habitat, road berms will be designed to avoid forming an impediment to tortoise travel. Design features may include lowering the berm height or providing more frequent berm cuts. Maintenance work will be avoided during periods when tortoises are active (e.g. early spring).	Park Wildlife Biologist and Park Roads Foreman
	Where trails/routes occur in riparian habitat they will be sited to avoid impacts to riparian species, with particular concern for the habitat requirements of special status bird species. Any trail work or construction adjacent to riparian areas will occur outside of migratory bird breeding and rearing season, which is March 15 to August 15.	Park Wildlife Biologist, Park Wilderness Coordinator, and Park Facility Manager
<b>Visitor Use</b>	Roads will be maintained in such a way that: (1) they will not discourage use of appropriate roadside campsites, and (2) they will discourage use of inappropriate campsites. Placement of road berms and rocks will generally be the technique used to direct such uses.	Park Roads Foreman
	All proposed changes to visitor use restrictions and permit requirements will be communicated to the public using multiple delivery methods and, where appropriate, will be phased in with notification well in advance.	Park Wilderness Coordinator, Chief Ranger, Chief of Interpretation, and Public Information Officer
<b>Cultural Resources</b>	Known archeological resources will be avoided to the greatest extent possible, and as appropriate, archeological surveys and or monitoring would precede any ground disturbance associated with construction or demolition, e.g., trail or road realignments and improvements and removal or construction of structures and roads.	Park Cultural Resource Manager

Resource Topic	Mitigation Measure	Responsibility
<b>Cultural Resources</b>	Historic structures and landscapes will be stabilized and preserved; surveys to identify and evaluate historic structures and landscapes for eligibility for listing in the National Register of Historic Places will be implemented. Historic structures and cultural landscapes located in wilderness will be managed according to the pertinent laws and policies governing cultural resources and wilderness, using management methods that are consistent with the preservation of wilderness character and values.	Park Cultural Resource Manager
	Park staff will continue to consult and coordinate with the area tribes to address matters of mutual concern on Park lands. Park staff will continue to allow tribal access to culturally important sites and traditional use areas to promote customary practices and beliefs.	Park Superintendent and Park Cultural Resource Manager
	If national register-eligible or listed historic resources cannot be avoided, an appropriate mitigation strategy will be developed in consultation with affiliated tribes and the State Historic Preservation Officer.	Park Cultural Resource Manager and Park Archaeologist
	In the unlikely event of discovery of human remains, all work in the immediate vicinity of the discovery shall cease, and any necessary steps to insure the integrity of the immediate area shall be taken. The NPS archaeologist would be immediately notified. The NPS, as managing agency, shall be responsible for compliance with the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA). NPS shall initiate consultation with the State Historic Preservation Officer (SHPO) and Tribal Historic Preservation Officer (THPO) to resolve potential adverse effects as per the Park's Inadvertent Discovery Plan.	Park Facilities Management Division and Archaeologist
<b>Facilities and Park Operations</b>	Toilet placement, toilet type (e.g. composting, solar dehydration, traditional vault, etc) and capacity will be determined prior to construction based on engineering studies and anticipated use conditions.	Park Facility Manager
	Signage will be consistent with the standards contained in the Federal Manual on Uniform Traffic Control Devices, as supplemented by the NPS Sign	Park Facility Manager and Chief of Interpretation

Resource Topic	Mitigation Measure	Responsibility
	Manual as directed by the National Park Service Management Policy 9.2.3. Interpretive signs will meet NPS Graphics Identity Standards.	
<b>Wilderness</b>	All proposed actions in wilderness, including administrative actions, which involve one of the Wilderness Act 4(c) prohibited uses or have the potential to degrade wilderness character will be subject to minimum requirements analysis.	Park Wilderness Coordinator

**WHY THE SELECTED ALTERNATIVE WILL NOT HAVE A SIGNIFICANT EFFECT ON THE HUMAN ENVIRONMENT**

As defined in 40 CFR §1508.27, significance is determined by examining the following criteria:

*Impacts that may have both beneficial and adverse aspects and which on balance may be beneficial, but that may still have significant adverse impacts which require analysis in an EIS.*

No major adverse or beneficial impacts were identified that would require analysis in an environmental impact statement.

**Wilderness Character**

The selected alternative will result in moderate impacts to wilderness character, including both beneficial and adverse impacts. The untrammled quality of wilderness character will see short-term adverse impacts from the activities associated with restoration; however, these short-term impacts are for the purpose of realizing long-term benefits to the natural quality of wilderness character. The natural quality of wilderness character will be improved by the restoration of natural function to 12 springs that were altered by human activity. The natural quality of wilderness character will also be improved by the addition of toilet facilities (outside of wilderness) in high use areas, which will reduce the incidents of improper disposal of human waste and the resulting adverse impacts on water quality, plants, and animals. Opportunities for solitude will also be improved by the addition of new parking and toilet facilities (outside of wilderness) in high use areas, reducing the incidents of improper disposal of human waste and dispersed parking, which ultimately will improve the sense of remoteness from the sights and sounds of people inside the wilderness. However, there will be a localized adverse impact to the viewshed around those facilities where they will be visible as modern human developments from both inside and outside of the wilderness. The undeveloped quality of wilderness character will be improved by the removal of defunct, non-historic installations and debris in wilderness. In addition, the implementation of the Wilderness and Backcountry Education Strategy is likely to reduce the incidents of illegal off-road vehicle trespass into wilderness.



Overall, while there will be some minor to moderate adverse impacts to wilderness character from the selected action, the selected action will result in a moderate improvement to wilderness character at Death Valley National Park. None of the impacts from the selected action will rise to the level of significance.

### **Wildlife**

The selected alternative will produce minor long-term beneficial impacts to wildlife by managing human waste and delineating trails around high use riparian areas, as well as by implementing a Backcountry and Wilderness Education Strategy and by systematically removing fences and other debris that threatens wildlife health. There will be negligible to minor long-term beneficial impacts to wildlife from delineating campsites and roadside camping corridors, and defining group size limits. The adverse impacts to wildlife from maintaining additional backcountry roads will be minor and long term.

### **Vegetation**

The selected alternative will have some beneficial impacts and some moderately adverse impacts to vegetation, which could be mitigated to minor levels through exotic plant monitoring and removal. Designated Roadside Camping Corridors will have a long term beneficial impact to vegetation by concentrating use in acceptable locations. Dispersed roadside camping will still occur on 695 miles of backcountry roads, which will have minor to moderate adverse impacts depending on location. The formalization of trailheads will likely have a beneficial effect on vegetation by raising awareness of vegetation and resource issues at the trailhead. There will also be a reduction of social trail proliferation, resulting in minor beneficial impacts to vegetation in the immediate vicinity of the trail. The placement of new toilets will also have a beneficial effect on vegetation by reducing unnecessary trampling and digging around shrubs near high-use trailheads and campgrounds. The greatest potential adverse impact of the selected alternative will be due to the increase in road grading and visitor traffic on additional miles of existing backcountry roads. The use of heavy machinery and increased vehicle traffic has been demonstrated to result in the increased spread and intrusion of non-native plants into wilderness, and that action will likely produce a moderate adverse impact to native vegetation communities that can be mitigated to minor levels by aggressive invasive weed monitoring and control; the Park's forthcoming Exotic Plant Management Plan will provide a framework for this invasive plant monitoring and control.

### **Special Status Species**

The selected alternative will result in a negligible to minor beneficial long-term impact to the desert tortoise because of a provision under this alternative for a designated roadside camping corridor in the Greenwater Valley with accompanying surveys to avoid tortoise in selecting site locations, restoration of tortoise habitat in previously used dispersed sites, and the installation of signage to prevent inadvertent vehicular impacts to tortoise. In addition, implementing the Backcountry and Wilderness Education Strategy under this alternative would provide a minor

beneficial impact to the species and its habitat park-wide. Delineation of trails in riparian areas under the selected alternative will cut down on social trail formation and will likely produce a negligible to minor beneficial impact on special status bird species that are dependent on riparian habitat. The determination of effect for all special status wildlife species under this alternative is *no effect*.

The selected alternative will have minor, long-term beneficial impacts to the Eureka Dunes Evening Primrose and Eureka dunegrass, resulting from additional delineated campsites, a group campground, recruitment of a camp host, and restrictions on sandboarding. Overall, the determination of effect for federally listed plant species under this alternative would be *no effect*. Rare but not federally listed plants such as the shining milkvetch and Death Valley sandpaper plant would see minor, long-term benefits under the selected alternative, resulting from the sandboarding prohibition on the Ibex and Panamint Dunes.

### **Geologic, Soil, and Paleontological Resources**

The selected alternative will have long-term, moderate beneficial impacts to the Racetrack Playa as a result of the restoration of playa-forming processes and prevention of vehicle trespass outlined in this alternative. The additional facilities planned in the selected alternative will likely result in minor adverse impacts to soils, localized in the areas of the facilities siting. Impacts can be mitigated through selection of previously disturbed areas. The facilities improvements are likely to present some minor beneficial impacts from increased visitation by preventing contamination from human waste, and restricting camping and parking sprawl. Impacts to paleontological resources are anticipated to be moderate, beneficial, and long term, resulting from the protection of the Copper Canyon fossil locality.

### **Water Resources**

The selected alternative will have long-term, moderate beneficial impacts to the naturally functioning hydrologic system of the Racetrack Playa. In addition, a framework for evaluating impacts from research activities (including decontamination procedures) will be implemented under the selected alternative; this will result in a minor long-term beneficial impact on water resources. Higher levels of facilities construction or improvement would increase backcountry accessibility, and therefore likely increase backcountry visitation. Higher visitation rates present the possibility of higher impacts to watersheds. However, the facilities construction or improvements could counteract the impacts from increased visitation by preventing contamination from human waste, and restricting camping and parking sprawl. Overall, the selected alternative is anticipated to have negligible to minor long-term adverse and beneficial impacts to water resources, with moderate beneficial impacts in the Racetrack Playa locality.

## **Cultural Resources**

The selected alternative will have negligible adverse and minor beneficial impacts to cultural resources. Through stewardship of Park resources, installation of toilets and campgrounds in locations that minimize conflict with cultural resources, minimal trail installations, and evaluation and rehabilitation of historic structures for compatible use, there is the potential for preservation of important cultural resources. The Section 106 determination for the selected alternative is *no adverse effect*.

## **Socio-economics**

The selected alternative will result in both adverse and beneficial long-term impacts to regional and local economies, and is not expected to exceed minor levels of impact. Changes would be slightly detectable and would not be expected to have an overall effect on the integrity or character of the social and economic environments, including overall economic activity, employment, and income. Impacts to grazing rights; inholdings, reserved rights, and rights of way; and Native American rights would be negligible from all alternatives. The cumulative impacts of improving roads, in conjunction with the backcountry infrastructure improvements proposed in the alternatives, is expected to amplify the minor beneficial impacts to the socio-economic environment.

## **Visitor Use and Experience**

The selected alternative will have negligible to minor, long-term impacts to visitor use and experience. Additional campgrounds, restroom facilities, established trails, an education strategy, wilderness monitoring and adaptive management strategies will provide beneficial impacts for visitor use and experience. Mandatory permit systems will provide adverse impacts to many visitors, with some visitors receiving benefits from more effective search-and-rescue operations. Similarly, size limits on commercial and special use groups will adversely impact those groups, but would provide individuals seeking self-discovery and solitude with enhanced opportunities for a unique visitor experience in Death Valley National Park's backcountry and wilderness areas.

## **Park Operations**

Overall, the selected alternative will have minor, beneficial long-term impacts for Park research functions and analysis of installations, with both minor adverse and minor beneficial impacts on ranger activities. The increased cost of this alternative would be a minor to moderate adverse impact to Park operations.

## ***Degree of effect on public health or safety.***

The selected alternative is designed to enhance public health and safety by instituting a backcountry permit system that can function as a tool to assist in search and rescue operations,

and by placing information signs at trailheads and wayfinding signs at some backcountry road corridor junctions.

***Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.***

Prime farmlands, wetlands, wild and scenic rivers, and ecologically critical areas will not be affected. The selected alternative will have negligible adverse and minor beneficial impacts on historic and cultural resources. No critical habitat for any endangered species will be affected. Wilderness character will be enhanced by the selected action.

***Degree to which effects on the quality of the human environment are likely to be highly controversial.***

There was a healthy level of public input during three public scoping processes and during the EA public comment period. Issues raised during public scoping that were within the scope of the plan were addressed, and the comments made during the EA public comment period largely related to the public's desire to maintain events or uses that the selected action accommodates. Effects on the quality of the human environment from the selected action are unlikely to be highly controversial.

***Degree to which the possible effects on the quality of the human environment are highly uncertain or involve unique or unknown risks.***

There were no highly uncertain, unique or unknown risks identified during either preparation of the EA or the public review period, and many of the administrative actions outlined in the selected alternative call for a phased implementation with evaluation as an adaptive management strategy to address any unknown risks.

***Degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.***

The selected alternative neither establishes a National Park Service precedent for future actions with significant effects nor represents a decision in principle about a future consideration. The selected alternative is consistent with the Wilderness Act, the California Desert Protection Act, and NPS Management Policies.

***Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.***

Cumulative impacts were determined by combining the impacts of the selected alternative with other past, present, and reasonably foreseeable future actions. Several plans or actions were identified that would have negligible or minor contributions to cumulative impacts of the

selected alternative. No plans or projects were identified that, when considered with the impacts of the selected alternative, would have greater than minor impacts.

***Degree to which the action may adversely affect districts, sites, highways, structures, or objects listed on National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.***

The selected alternative will not adversely affect districts, sites, highways, structures, or objects listed on the National Register of Historic Places, nor will it cause loss or destruction of significant scientific, cultural, or historic resources.

***Degree to which the action may adversely affect an endangered or threatened species or its critical habitat.***

Protected wildlife and plant species are known to be present within the planning area, and the Plan directly addresses the protection of these species with specific strategies designed to avoid adverse impacts and preserve habitat integrity for these sensitive species. The selected alternative represents a long-term benefit for sensitive species and their habitat.

***Whether the action threatens a violation of federal, state, or local environmental protection law.***

The selected alternative will not violate any federal, state or local environmental protection laws. The Park will obtain any secondary permits needed by state or local agencies in association with implementation of the selected alternative.

## **PUBLIC INVOLVEMENT AND AGENCY CONSULTATION**

### **Public Scoping**

There have been three specific periods of public engagement during the planning process that helped shape the Death Valley National Park Wilderness and Backcountry Stewardship Plan. For each public comment period, the NPS issued a press release, announced the opportunity to comment via Twitter, and collected written comments via email, hard copy mail, and online through the NPS Planning, Environment, and Public Comment website. In addition, NPS staff have participated as requested with the various organizations interested in Death Valley's wilderness and backcountry lands, including providing in-depth "interviews" for newsletters and publications, participating in Q&A sessions in person at meetings, and meeting with organizational leadership.

Initial public scoping for a plan focused strictly on designated wilderness (specifically excluding all non-wilderness backcountry roads and lands) was opened from March 26 to June 30, 2009. A total of 18 pieces of correspondence, consisting of 59 individual comments were received during

this period. The primary concern expressed was that the scope of the plan was too narrow and should be expanded to include backcountry lands and dirt roads. These comments were taken into consideration by the Park Superintendent and a decision was made to expand the scope of the project to include both wilderness and backcountry stewardship.

A second public scoping for a plan that includes designated wilderness as well as backcountry lands and unpaved roads was opened from September 4 to November 15, 2009. A total of 97 pieces of correspondence, consisting of 407 individual comments were received during this period. These comments were used in developing the draft conceptual alternatives.

Draft conceptual alternatives were shared with the public via a newsletter in order to solicit feedback on the range of alternatives, each alternative as a whole package, and the degree of support or opposition to the individual elements within the alternatives. The public comment period was April 1 to May 1, 2011. A total of 52 pieces of correspondence, consisting of 196 individual comments were received during this period. These comments were used in developing the alternatives presented in the Wilderness and Backcountry Stewardship Plan.

### **Agency Consultation**

Based upon the local agency interest expressed during the public scoping period that ended in November 2009, the Park extended an invitation to be formally designated as a cooperating agency to the following agencies: Esmeralda County, NV; Inyo County, CA; Nye County, NV; San Bernardino County, CA; California Department of Fish and Game; and Nevada Department of Wildlife. Inyo County, Esmeralda County, and Nye County each entered into a formal Memorandum of Understanding with the National Park Service to be cooperating agencies for the Death Valley National Park Wilderness and Backcountry Stewardship Plan. The cooperating agencies assisted the lead federal agency - the NPS at Death Valley National Park – in developing the plan, including the opportunity to attend all planning meetings, participate in the development of alternatives, and help analyze the impacts of each alternative. The cooperating agencies were also provided with opportunity to review documents prior to their release to the public and concurred with the plan, while reserving the right to express concern about certain plan elements.

On December 16, 2009, the Death Valley National Park Superintendent sent letters to the Timbisha Shoshone Tribal Chair and the Pahrump Paiute Tribal Chair (a non-federally-recognized Indian tribe), informing the respective Tribes about the initiation of the Wilderness and Backcountry Stewardship Planning process for Death Valley National Park, explaining the process and timeline for completion of the plan, and outlining the Park's commitment to consultation throughout the process. Due to the significant amount of geographic overlap between the planning area and the Timbisha Shoshone Natural and Cultural Preservation Area, the NPS extended an invitation to the Timbisha Shoshone Tribe to appoint a Tribal

Representative to the planning team. The Timbisha Shoshone Tribe's Environmental Director served in that capacity from January 2009 until May 2011.

In October 2010, the NPS initiated consultation with the Timbisha Shoshone Tribal Historic Preservation Officer regarding the inclusion of Timbisha relationship to Death Valley National Park Wilderness in the geospatial model of wilderness character. On December 14, 2010, the Park Archeologist met in person with the Timbisha Historic Preservation Committee to discuss this Plan and the geospatial model. After further discussion, it was determined that all of the Park was equally important to the Tribe and the decision was made to drop the Timbisha values from the geospatial model of wilderness character as they did not contribute to the geographic distinction needed for model outputs. Four draft conceptual alternatives were also reviewed and discussed. The committee did not voice any specific agreement or objections to the alternatives but did ask that specific place names and locations of significance to the Tribe not be included in the plan or maps, and the NPS agreed to remove those names and locations from public documents.

On January 13, 2012, Death Valley National Park Superintendent, Cultural Resources Manager, and Environmental Protection Specialist traveled to Bishop, California to meet directly with the newly elected Timbisha Shoshone Tribal Chairman, Tribal Vice-Chairman, Tribal Secretary/Treasurer, and Tribal Administrator. The purpose of the meeting was to discuss the Government to Government relationship between the NPS at Death Valley National Park and the Timbisha Shoshone Tribe, as well as to brief the Tribal Chairman and other key members of the Tribe's government about multiple park planning processes, including the Wilderness and Backcountry Stewardship Plan. At the meeting, the Park Superintendent outlined the history of Timbisha Shoshone involvement in the Wilderness and Backcountry Planning process for the new Tribal government, and invited continued involvement. The Tribal Vice-Chairman asked to review the section of the Wilderness and Backcountry Stewardship Plan that deals specifically with Native American rights. The Park Environmental Protection Specialist sent this section of the draft plan via electronic mail to Tribal Chairman, Tribal Vice-Chairman, and Tribal Administrator on January 17, 2012.

Upon public release of the Death Valley Wilderness and Backcountry Stewardship Plan, the Park Superintendent sent a letter and a copy of the Plan to the Pahrump Paiute Tribal Chairman, the Timbisha Shoshone Tribal Chairman, and the Timbisha Shoshone Tribal Historic Preservation Officer dated August 14, 2012, describing the determination of no adverse effect and asking for any comments on the Plan. This letter was followed up with an in-person meeting between the Tribal Vice-Chairman and the Acting Park Superintendent in Furnace Creek, California, on October 16, 2012. Another hard copy of the Plan was presented, along with a request for any comments, concerns, or suggestions from the Timbisha Shoshone. Neither the Pahrump Paiute

nor the Timbisha Shoshone Tribe have expressed concerns regarding the Plan, its alternatives including the selected action, or the Section 106 *no adverse effect* determination.

On September 8, 2009, a Death Valley National Park Biologist contacted US Fish and Wildlife Service (USFWS) to inform the USFWS that the NPS was initiating a Wilderness and Backcountry Stewardship Planning process for Death Valley National Park, and asking for clarification on a proposed species list. A USFWS biologist replied to modify the proposed list of animal species, and to offer assistance through informal consultation throughout the planning process.

On September 29, 2011, the NPS sent a formal letter signed by the Park Superintendent asking for a consolidated list of threatened, endangered and candidate plant and animal species for the planning process, outlining potential actions in the plan that could affect special status species, and informing the USFWS that Devils Hole would not be part of the Wilderness and Backcountry Stewardship Plan. The USFWS responded with a memorandum dated January 30, 2012 providing the comprehensive list, and asking that the NPS complete its determination of effect and share a draft of the Wilderness and Backcountry Stewardship Plan as appropriate. The NPS determined and documented in the EA that the Plan would have *no effect* on any threatened, endangered, or candidate species, completing informal consultation. The Park Superintendent sent a letter notifying the USFWS of this determination, including a copy of the Death Valley National Park Wilderness and Backcountry Stewardship Plan and Environmental Assessment on August 13, 2012.

On December 15 and 16, 2009, the Death Valley National Park Superintendent sent letters to the California State Historic Preservation Officer (SHPO) and the Nevada State Historic Preservation Officer informing the respective SHPOs about the initiation of the Wilderness and Backcountry Stewardship Planning process for Death Valley National Park, explaining the process and timeline for completion of the plan, and outlining the cultural resources that could potentially be affected by the actions and the scope of the plan. Upon public release of the Plan, the Park Superintendent sent a letter dated August 14, 2012 to each respective SHPO, along with a copy of the Death Valley National Park Wilderness and Backcountry Stewardship Plan, outlining the Section 106 *no adverse effect* determination and requesting comments or concurrence. The Nevada SHPO responded with a letter dated November 7, 2012 concurring with the *no adverse effect* determination. The California SHPO responded with a letter dated February 8, 2013 concurring with the *no adverse effect* determination.



## **Public Review of EA**

The EA was released for a 60-day public review period on August 8, 2012. The document was made available on the Park's Public Planning website, and information about its availability was sent as a press release to over a hundred news outlets and individual reporters. Notice of the plan's availability was sent to all interested individuals and organizations on the Park's maintained environmental compliance database. Over 300 hard copy letters were sent by postal mail and over 100 emails were sent to interested individuals and organizations informing them of the plan's availability. Hard copies of the plan were distributed to seven local libraries to enhance public availability. Hard copies were also sent to all cooperating agencies and distributed to 34 individuals who specifically requested paper copies of the Plan. News stories about the public availability of the Death Valley National Park Wilderness and Backcountry Stewardship Plan appeared in the Summit County Citizens Voice on August 13, 2012, and on E&E News Daily (published electronically by Environment and Energy News, LLC) on August 14, 2012. Death Valley National Park's Superintendent and Environmental Protection Specialist made a public presentation of the Plan's major provisions at the request of cooperating agency Inyo County, at the Inyo County Board of Supervisors' public meeting on August 21, 2012. Park Superintendent and staff hosted an open house public meeting for the Plan in Lone Pine, California on August 21, 2012 from 5:00pm – 7:00pm, and in Beatty, Nevada on August 23, 2012 from 5:00pm – 7:00pm. A total of 13 individuals signed the attendance sheet at these public meetings.

The NPS received 424 pieces of correspondence during the public review period for the Death Valley National Park Wilderness and Backcountry Stewardship Plan, and an analysis of those correspondences resulted in 709 separate comments on the Plan. Topics of substantive public comment on the Plan included the Titus Canyon running event, canyoneering activities, canyoneering permits, commercial canyoneering opportunities, the historic wagon train event, backcountry overnight permits, backcountry roads, backcountry cabin use, dispersed and designated camping opportunities, education, information, campfires, alternatives, values, the planning process, fees, peak registers, and concerns about Wilderness Act requirements.

The NPS has taken all public and agency comments in due consideration while preparing this Finding of No Significant Impact, and these comments are now part of the administrative record for this project. A public comment report for the Environmental Assessment's 60-day review period—organized by topic, including representative quotes, comment codes, comment analysis, and agency response to comments—is attached as Appendix B to this Finding of No Significant Impact.

**CONCLUSION**

The National Park Service has selected a modification of Alternative D – Focused Action for implementation, as described in this Finding of No Significant Impact. Based on the analysis in the EA, the capability of the incorporated mitigations to reduce or avoid potential impacts, and with due consideration for the public scoping and EA review comments, the NPS has determined that the selected alternative does not constitute an action that would normally require the preparation of an environmental impact statement. The selected alternative will not have significant impacts on public health, safety, threatened or endangered species, sites or districts listed in or eligible for listing in the National Register of Historic Places, or other unique characteristics of the region. No highly uncertain or controversial impacts, unique or unknown risks, significant cumulative effects, or elements of precedence were identified. Implementation of the selected alternative will not violate any federal, state, or local environmental law. Based on the foregoing, it has been determined that an environmental impact statement is not required by this action and thus will not be prepared, and implementation of the approved Death Valley National Park Wilderness and Backcountry Stewardship Plan will be initiated as soon as practicable.

Recommended: *Kathy Billings* 7/16/13  
Kathy Billings Date  
Superintendent, Death Valley National Park

Approved: *for Marshall* 7/24/13  
*for* Christine S. Lehnertz Date  
Director, Pacific West Region

- Attachments:  
Errata Sheets for Wilderness and Backcountry Stewardship Plan  
Appendix A – Determination of No Impairment  
Appendix B – Public Comment Report

**ERRATA SHEETS**  
**WILDERNESS AND BACKCOUNTRY STEWARDSHIP PLAN**  
**DEATH VALLEY NATIONAL PARK, CALIFORNIA AND NEVADA**  
**July 2013**

**Environmental Assessment**

These errata sheets address corrections to the text of the Wilderness and Backcountry Stewardship Plan Environmental Assessment (EA) based on comments received during public review of the EA from August 8, 2012 until October 9, 2012 and internal analysis by the National Park Service.

The errata sheets should be attached to the original Environmental Assessment document to comprise a full and complete record of the environmental implementation process.

**Comment:**

*The Draft discusses the communications facility on Mormon Peak. The tower lies within designated wilderness. The facility is both a commercial service and a permanent structure, albeit one that serves NPS' own communication needs. The NPS may apply the minimum requirement necessary exception to a permanent structure but never to a commercial enterprise. Nor, to our knowledge, is the right-of-way upon which the tower sits an "existing private right..."*

*Under the most generous interpretation of the 1982 Bureau of Land Management-issued right-of-way, the right expired on May 26, 2012, several months ago. The Draft asserts that the right-of-way still exists. The Draft fails to explain the simple facts. We would be very disturbed if the NPS may have issued a new right-of-way, for a commercial service and structure, within designated wilderness. This would be a first in the history of national park system wilderness.*

**Response:**

Section 1.4.10, under **Rights of Way**, the second paragraph on page 18 is deleted, and the new second paragraph states: "There are numerous communication installations operated under historical use and various rights-of-way in the Mormon Peak and Rogers Peak areas of the park. The origin of such uses goes back decades; in the case of Mormon Peak, the right-of-way for the facility was granted by the Bureau of Land Management prior to park or wilderness designation of the land in question. The right-of-way for the Mormon Peak phone communication facility expired on May 26, 2012. In a separate National Environmental Policy Act planning process, the NPS will examine all possible options available to the park to address the Mormon Peak facility, which includes considering the feasibility and environmental impacts of moving the microwave facility. The National Park Service will make this environmental analysis open for public review and comment, with scoping scheduled to begin in 2013."

Section 3.11.2, page 127, under Facilities and Installations, the first paragraph is revised. The eighth and ninth sentences are deleted, and replaced with: "A microwave repeater on Mormon Peak, located in wilderness, provides the primary phone communication system and remains

integral to the administration of the park, which consists of 91% wilderness lands and contains approximately 3.1 million acres of wilderness. In a separate National Environmental Policy Act planning process, the NPS will examine all possible options available to the park to address the Mormon Peak facility, which includes considering the feasibility and environmental impacts of moving the microwave facility. The National Park Service will make this environmental analysis open for public review and comment, with scoping scheduled to begin in 2013.”

**Comment:**

*The Draft discusses the presence of 5 large-scale water sources for wildlife constructed on Federal lands prior to the transfer of the lands to the NPS in 1994. The Draft says that a team of NPS experts will evaluate the three such installations that still function. The NPS must be guided by the Wilderness Act, section 4(c) prohibitions and the possible application of the minimum requirement exception.*

**Response:**

Section 2.6.7, **Resource Management** actions common to all action alternatives, beginning middle of page 76, the action pertaining to artificial watering devices is revised to state: “Where devices are determined to be not necessary for the administration of the wilderness, the park’s wilderness coordinator will work in coordination with the park hydrologist and park wildlife biologist to develop a removal plan that will remove installations to the extent possible and restore natural conditions to the site.”

**Additional Corrections**

**Artificial Watering Devices**

There is a correction to the number of identified non-functioning artificial watering devices in the body of the Environmental Assessment. Appendix O correctly identifies three non-functioning artificial watering devices. Section 2.6.7, **Resource Management** actions common to all action alternatives, beginning middle of page 76, the action pertaining to artificial watering devices is revised to state: “Three of the five big-game guzzlers are non-functional...”

**Road Mileages**

There are revisions to road mileages for backcountry roads in Chapter 2 in the narrative portion of the preferred alternative to make the narrative consistent with the numbers presented in Table 10 of the Plan, which are accurate.

Section 2.3.5, page 56, first bullet is revised to state for Alternative B: “Unpaved Roads: Approximately 700 miles of existing unpaved roads would be managed as backcountry exploration roads with minimal maintenance by the NPS except as necessary to keep road conditions passable by high clearance 4-wheel-drive vehicles. Approximately 300 miles of existing unpaved roads would be managed as backcountry corridor roads, including routine maintenance by NPS or other agencies to keep road conditions passable by 2-wheel-drive vehicles.”

Section 2.4.5, page 62, first bullet is revised to state for Alternative C: “Unpaved Roads: Approximately 420 miles of existing unpaved roads would be managed as backcountry

exploration roads with minimal maintenance by the NPS except as necessary to keep road conditions passable by high clearance 4-wheel-drive vehicles. Approximately 580 miles of existing unpaved roads would be managed as backcountry corridor roads, including routine maintenance by NPS or other agencies to keep road conditions passable by 2-wheel-drive vehicles.”

Section 2.5.5, page 69, first bullet is revised to state for Alternative D: “Unpaved Roads: Approximately 590 miles of existing unpaved roads would be managed as backcountry exploration roads with minimal maintenance by the NPS except as necessary to keep road conditions passable by high clearance 4-wheel-drive vehicles. Approximately 410 miles of existing unpaved roads would be managed as backcountry corridor roads, including routine maintenance by NPS or other agencies to keep road conditions passable by 2-wheel-drive vehicles.”

There are revisions to Table 10, page 85, to reflect the accurate number of miles of dispersed roadside camping. For the Alternative C column, the final row “Miles of backcountry roadside open to dispersed camping” should read “680 miles” rather than 665 miles. For the Alternative B column, the final row “Miles of backcountry roadside open to dispersed camping” should read “750 miles” rather than 770 miles.

There are revisions to the narrative description of alternatives to reflect these mileage corrections.

Section 2.3.5, page 56, the first sentence of the fourth bullet is revised to state: “Dispersed Roadside Camping: Approximately 750 miles of backcountry road would be open for self-directed use.”

Section 2.4.5, page 62, the first sentence of the fourth bullet is revised to state: “Dispersed Roadside Camping: Approximately 680 miles of backcountry road would be open for self-directed use.”

**APPENDIX A**  
**Determination of No Impairment**  
**Wilderness and Backcountry Stewardship Plan**  
**Death Valley National Park**  
**National Park Service**  
**July 2013**

The National Park Service (NPS) has determined that implementation of the selected alternative will not constitute impairment to the resources or values of Death Valley National Park. This conclusion is based on a thorough analysis of the environmental impacts described in the Death Valley National Park Wilderness and Backcountry Stewardship Plan Environmental Assessment, relevant scientific studies and reports, and professional judgment of the decision-maker guided by the direction in NPS Management Policies (2006). The selected alternative will not result in major adverse impacts on a resource or value whose conservation is (1) necessary to fulfill specific purposes identified in the establishing legislation or proclamation of Death Valley National Park; (2) key to the natural or cultural integrity of the park; or (3) identified as a goal in the Park's General Management Plan or other relevant National Park Service planning documents.

This determination of no impairment has been prepared for the selected alternative described in the Finding of No Significant Impact (FONSI), for the topics listed below. An impairment determination is not made for visitor experience, socioeconomics, public health and safety, environmental justice, land use, and park operations because impairment findings relate back to park resources and values, and these impact areas are not generally considered to be park resources or values according to the Organic Act, and cannot be impaired in the same way that an action can impair park resources and values. Specific impact areas and the detailed analysis that led to the determination of no impairment are described below.

**Findings on Impairment for Wilderness**

The selected alternative will result in moderate impacts to wilderness character, including both beneficial and adverse impacts. The untrammelled quality of wilderness character will be adversely impacted in the short term by the activities associated with the restoration of natural function to springs that were altered by human activity. These short term impacts of trammeling are for the purpose of realizing long-term benefits to the natural quality of wilderness character. The natural quality of wilderness character will also be improved by the addition of toilet facilities (outside of wilderness) in high use areas, which will reduce the incidents of improper disposal of human waste and the resulting adverse impacts on water quality, plants, and animals. The natural quality of wilderness character will continue to be degraded by the persistence of some exotic plants and animals for which there are no practical control measures.

The undeveloped quality of wilderness character will be improved by the removal of defunct, non-historic installations and debris in wilderness. In addition, the implementation of the Wilderness and Backcountry Education Strategy as well as improved communication between the NPS and the visiting public is likely to reduce the incidents of illegal off-road vehicle trespass into wilderness. The undeveloped quality will continue to be degraded by the presence

of and potential uses of inholdings and unpatented mine claims in wilderness. It will also continue to be degraded by the occasional administrative uses of motorized equipment in wilderness (e.g. helicopters, chainsaws, etc) where such equipment is determined to be the minimum tool in the minimum requirement analysis process.

Opportunities for solitude will be improved by the addition of new parking and toilet facilities (outside of wilderness) in high use areas, which is likely to reduce the incidents of improper disposal of human waste and dispersed parking, which ultimately improves the sense of remoteness from the sights and sounds of people inside the wilderness. However, there will be a localized negative impact to the viewshed around those facilities where they will be visible as modern human developments from both inside and outside of the wilderness. The presence of the new visitor facilities will also degrade the opportunities for primitive and unconfined recreation because it will increase the agency presence and direction of visitor activities. Similarly, the camping restrictions imposed in this alternative will also degrade opportunities for unconfined recreation, while at the same time protecting the opportunities for solitude because highly visible and inappropriate camping locations would not be allowed and because the designated roadside camping corridors would limit the number of campsites in popular and sometimes overused areas. Copper Canyon will continue to be closed to general public access, which will continue to degrade the opportunity for unconfined recreation; however, such a closure protects sensitive paleontological resources that are features of scientific value that contribute to wilderness character. The implementation of a mandatory permit system will similarly have offsetting impacts, where the requirement to get a permit degrades the opportunity for unconfined recreation while the permit system allows the potential for dispersing visitor use and improving solitude.

The selected alternative also serves to preserve features of scenic, scientific, educational, and historical value, which are singularly and collectively important aspects of wilderness character. The selected alternative preserves important viewsheds, scientific features (such as fossils), and cultural resources. The selected alternative also includes proactive measures to enhance educational opportunities appropriate to wilderness resources and to provide a framework to realize scientific values while enhancing protection of wilderness character. In addition, close cooperation with the Timbisha Shoshone provided the opportunity to acknowledge and preserve the intangible values of Death Valley National Park Wilderness as the Tribe's homeland and to improve preservation of many specific features and places valued by Tribal members.

Overall, the selected action's beneficial impacts to wilderness character will have a greater effect on Death Valley wilderness than the adverse impacts of the selected action; there will be a cumulative improvement to wilderness character resulting from the selected action. Therefore, the selected action does not constitute impairment of the wilderness resource.

### **Findings on Impairment for Wildlife**

The selected action will produce beneficial impacts for wildlife in some respects, and adverse impacts in other areas. There will be 110 miles of additional maintained backcountry roads under this alternative, likely leading to increased vehicle speeds and consequently more wildlife mortality. Vehicular trauma to wildlife would not reach the level of a significant impact in

comparison to existing frontcountry roads, but there will still be a minor adverse impact to wildlife from this action.

Implementing requirements for human waste disposal along the Cottonwood-Marble hiking route, and installation of a composting toilet at the beginning of the Darwin Falls trail will provide a long-term beneficial impact to aquatic invertebrates, as well as to other wildlife dependent on the limited springs and water sources in those regions of Death Valley National Park. Formalizing a trailhead and route at Darwin Falls and in Cottonwood/Marble Canyon loop is likely to provide a beneficial impact to riparian birds, as less riparian vegetation will be disturbed by social trails.

Delineation of additional campsites at Eureka, Homestake and Salt Wells will be a long-term benefit to wildlife by defining appropriate camping areas and avoiding resource conflicts with wildlife habitat. Similarly, defining Designated Roadside Camping Corridors and particular sites within those corridors will allow Death Valley National Park managers to shift impacts to less sensitive or marginal wildlife habitat while meeting visitor use demands.

Implementation of a Wilderness and Backcountry Education Strategy will further provide beneficial impacts to wildlife, particularly as education efforts can emphasize the potential impact of recreational activities on wildlife around springs or other specialized habitat. Relic fences from cattle grazing and non-functioning guzzlers will be removed in a systematic way under this alternative, with criteria that include wildlife health guiding the management actions.

The adverse impacts from an additional 110 miles of maintained backcountry road are expected to be minor, and the Plan's other actions are likely to result in beneficial impacts for wildlife. Based on the analysis of these impacts, the selected action will not impair wildlife resources in Death Valley National Park.

### **Findings on Impairment for Vegetation**

The selected action will have some minor beneficial impacts and some moderately adverse impacts to vegetation. Designated Roadside Camping Corridors will have a long term beneficial impact to vegetation by concentrating use in acceptable locations. Dispersed roadside camping will still occur on 695 miles of backcountry roads, which will result in minor to moderate adverse impacts from the potential crushing of plants.

The formalization of trailheads at Fall Canyon, Darwin Falls, Ubehebe Peak, and Cottonwood/Marble Canyons, in combination with the management action of creating new trailheads and marked routes at Indian Pass, Surprise Canyon (pending outcome of a separate EIS process or legislative designation), Dante's Peak, and Sidewinder Canyon will likely have a beneficial effect on vegetation by raising awareness of resource protection issues at the trailhead. There will also be a reduction of social trail proliferation, resulting in minor beneficial impacts to vegetation in these localities. The placement of new toilets will also have a beneficial effect on vegetation by reducing unnecessary trampling and digging around shrubs near high-use trailheads and campgrounds.



There is the potential for moderately adverse impacts to vegetation due to the increase in road grading and visitor traffic on an additional 110 miles of existing backcountry roads. The use of heavy machinery and increased vehicle traffic has been demonstrated to result in the increased spread and intrusion of non-native plants into wilderness, and the road maintenance activities in the selected action will likely produce an adverse impact to native vegetation communities. These adverse impacts can be mitigated to minor by invasive weed monitoring and control, which the park currently undertakes. In addition, an upcoming Exotic Plant Management Plan for Death Valley National Park (publicly scoped beginning October 16, 2012) will outline priorities for proactive management of invasive species. Considering both the beneficial and adverse impacts of the selected action to vegetation, as well as the strategy for mitigation of adverse impacts, implementation of the Wilderness and Backcountry Stewardship Plan will not result in impairment to Death Valley National Park's vegetation resources.

### **Findings on Impairment for Special Status Species**

The selected action calls for a Designated Roadside Camping Corridor along Greenwater Valley Road, with tortoise surveys implemented in order to avoid resource conflicts between prospective campers and desert tortoises. Siting of campsites will not be closer than 1000 feet of desert tortoise, tortoise sign, or tortoise burrows. Signage will be installed at designated roadside campsites on Greenwater Valley Road, with educational messages including a reminder for visitors to be "tortoise aware" and check under their vehicles for tortoises. Existing dispersed campsites will be restored to natural condition. These actions specific to Greenwater Valley will provide a short and long-term beneficial impact to tortoise and tortoise habitat. In addition, implementation of a Backcountry and Wilderness Education Strategy will likely mitigate the adverse effects of dispersed roadside camping in areas such as the Nevada Triangle by informing visitors about the impacts of recreational activities on desert tortoises, and how to minimize these impacts.

Formalization of the Darwin Falls trail and the Cottonwood-Marble Loop will have a beneficial impact on sensitive riparian bird species by reducing social trails and subsequent damage to riparian vegetation that form important habitat for these species. However, the Cottonwood-Marble Loop will likely continue to sustain impacts to riparian vegetation and associated special status bird species from social trail formation. The Cottonball Marsh pupfish habitat is in such an isolated portion of Death Valley National Park that any action taken in this alternative is unlikely to have an effect on this species. Similarly, the Inyo California towhee will not likely see impacts above a negligible level. The Devils Hole pupfish and Nevares Spring naucorid's habitats are located in frontcountry areas not covered under the Plan's selected action. The Section 7 determination of effect for all threatened, endangered, and candidate wildlife species is *no effect*.

New campsites and toilet facilities at the Eureka Dunes will have a beneficial impact on the endangered Eureka Valley evening primrose. Currently, dispersed camping and human waste disposal occur in primrose habitat. Improving the campground with additional sites and toilets will mitigate the visitor impacts in this sensitive habitat by providing opportunities to camp that do not produce resource conflicts.

The selected action will also result in minor beneficial impacts to the endangered Eureka Dune grass and the Eureka Valley evening primrose resulting from the implementation of a volunteer campground host program in the Eureka Valley. A campground host will raise visitor awareness of the sensitive species as well as improve enforcement of regulations carried forward under this alternative to protect sensitive species—including a prohibition on sandboarding and sledding. A campground host can also help prevent off-road vehicle trespass on the dunes. The shining milkvetch at the Panamint Dunes as well as the Death Valley sandpaper plant at the IbeX Dunes will likely benefit from the prohibition of sandboarding under this alternative, as sandboarding is an intense recreational activity with immediate adverse impacts on vegetation. The Section 7 determination of effect for all threatened, endangered, and sensitive plant species is *no effect*.

Based on the beneficial impacts to special status species from the selected action, and on the Section 7 determinations of no effect for threatened, endangered, and candidate species, the selected action will not result in impairment of special status species.

### **Findings on Impairment for Geology, Soils, and Paleontological Resources**

Soil impact from facilities construction under the selected action will be minor. The selected action's additional infrastructure will result in an increase in backcountry accessibility and associated visitation-related soil disturbance, resulting in minor long-term adverse impacts. However, the addition of more toilets under the selected action will decrease the potential for soil contamination from human waste, resulting in minor long-term beneficial impacts.

The selected action includes restoring playa-forming processes and preventing vehicle trespass on the Racetrack, which is expected to have moderate beneficial impacts to this geologic resource. A framework for evaluating research activities in wilderness (including collection limitations) will be implemented under the selected action, resulting in a beneficial impact to geologic resources park-wide.

Impacts to paleontological resources will be minor to moderate and long term under the selected action. Copper Canyon will remain closed to the public except for limited guided tours. This closure is necessary to protect the exceptionally well preserved and rich fossil vertebrate track fossils in the canyon.

With due consideration of the minor adverse impacts to geologic resources from construction of additional facilities and increased visitation in the backcountry and wilderness, and recognizing the selected action's beneficial impacts to the Racetrack and Copper Canyon, as well as to other areas where there are waste contamination problems, the selected action will not impair geologic resources, soils, or paleontological resources.

### **Findings on Impairment for Water Resources**

Watershed impact from facilities construction under the selected action will be minor. These facilities improvements will likely result in an increase in backcountry accessibility, with attendant visitation-related watershed disturbance. More toilets is likely to decrease the potential for water contamination from human waste.

The selected action includes a plan to restore watershed processes and prevent vehicle trespass on the Racetrack. This is expected to have a moderate beneficial impact to watershed processes on the playa.

A framework for evaluating research activities in wilderness (including decontamination procedures) will be implemented under the selected action. This may result in a minor positive impact on water resources.

Overall, the minor adverse impacts from construction and increased visitation, in addition to the beneficial impacts from Racetrack Playa hydrologic restoration and a research framework, will not constitute impairment to the Park's water resources under the selected action.

### **Findings on Impairment for Cultural Resources**

After applying the Advisory Council on Historic Preservation's criteria of adverse effects (36 CFR part 800.5, *Assessment of Adverse Effects*), the National Park Service concludes that implementation of the selected action alternative will generally result in a no adverse effect to cultural resources. The continued program of cultural resources management in the park, including preservation and maintenance activities, will have minor to moderate beneficial impacts on these resources. Ongoing cultural resource management has resulted in minor beneficial cumulative effects, resulting in no adverse effect. The selected action will contribute to the overall beneficial cumulative effects, and will not contribute to the adverse cumulative effects.

Under the selected action, there will be negligible adverse and minor beneficial impacts to cultural resources. The park will focus on assessing, documenting, and preserving cultural resources in high use areas, and avoiding cultural resource conflicts by shifting use away from areas of particular concern. Creating Designated Roadside Camping Corridors and Primitive Campgrounds in appropriate areas will reduce impacts to archeological sites. This action can focus the public's recreational camping throughout the park, reducing impacts to cultural resources. By setting up a cabin stewardship program and identifying significant cabins, limited dollars can be used to rehabilitate structures that are eligible for the National Register of Historic Places. Additionally, by instituting a Cabin Stewardship Strategy, appropriate maintenance to historic properties will result in increased preservation of the resources. The level of development will provide a balance between stewarding visitor use in order to protect resources and potential new development that will require careful siting in order to avoid cultural resource conflicts. Avoidance of national register-eligible or -listed cultural resources during excavation, construction, and demolition will result in no adverse effect. Overall, the selected action will not impair cultural resources in Death Valley National Park.

National Park Service  
U.S. Department of the Interior

Death Valley National Park  
California/Nevada



**APPENDIX B: PUBLIC REVIEW COMMENT SUMMARY REPORT**  
**DEATH VALLEY NATIONAL PARK**  
**WILDERNESS AND BACKCOUNTRY STEWARDSHIP PLAN**  
**ENVIRONMENTAL ASSESSMENT**



**July 2013**

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# TABLE OF CONTENTS

<b>INTRODUCTION</b> .....	1
Legal Requirements.....	1
Public Involvement.....	1
Comment Analysis Process.....	3
Definition of Terms.....	4
<b>CONTENT ANALYSIS REPORT</b> .....	5
Comment Distribution by Topic and Code.....	5
Correspondence Count by Organization Type.....	12
Correspondence Distribution by Country.....	12
Correspondence Distribution by State.....	13
<b>PUBLIC SCOPING COMMENT SUMMARY</b> .....	14
<b>Topic: Titus Canyon</b> .....	14
<b>Topic: Canyoneering</b> .....	15
<b>Topic: Historic Wagon Train and Equestrian Event</b> .....	18
<b>Topic: Alternatives</b> .....	19
<b>Topic: Values</b> .....	21
<b>Topic: Planning Process</b> .....	22
<b>Topic: Limitations</b> .....	25
<b>Topic: Permits</b> .....	26
<b>Topic: Roads</b> .....	29
<b>Topic: Cabins</b> .....	32
<b>Topic: Camping</b> .....	35
<b>Topic: Waste</b> .....	38
<b>Topic: Education</b> .....	39
<b>Topic: Information</b> .....	40
<b>Topic: Campfires</b> .....	42
<b>Topic: Fees</b> .....	43
<b>Topic: Summit Registers and Geocaching</b> .....	44
<b>Topic: Wilderness Act</b> .....	45
<b>REFERENCES</b> .....	48

# INTRODUCTION

## LEGAL REQUIREMENTS

Pursuant to section 101(2)(C) of the National Environmental Policy Act of 1969, as amended (NEPA), the National Park Service (NPS) prepared a Wilderness and Backcountry Stewardship Plan and Environmental Assessment (plan/EA). The purpose of this Wilderness and Backcountry Stewardship Plan for Death Valley National Park is to provide a framework by which to preserve and improve wilderness character while providing for unique visitor opportunities for quiet, solitude, and primitive adventure; and to accommodate continued use of the Park's unpaved roads and protection of backcountry resources. Completion of the planning process also fulfills the requirements of NPS policy that parks have a wilderness management plan and a backcountry management plan (combined in this case) and addresses the needs identified in the 2002 Death Valley National Park General Management Plan (NPS 2002).

In preparing this plan/EA, the NPS has followed the planning process as required by NEPA and as provided for in agency guidance, Director's Order and Reference Manual #12: Conservation Planning, Environmental Impact Analysis and Decision-Making and Handbook (NPS 2011, NPS 2001). There are multiple times during the planning process in which public comment has been sought, as described below. The content of this report includes only those pieces of correspondence received during the public review period of the plan/EA from August to October 2012. The analysis of previous public comments is included as Appendix B of the plan/EA.

## PUBLIC INVOLVEMENT

There have been three specific periods of public engagement during the planning process that helped shape the Death Valley National Park Wilderness and Backcountry Stewardship Plan. For each public comment period, the NPS issued a press release, announced the opportunity to comment via Twitter, and collected written comments via email, hard copy mail, and online through the NPS Planning, Environment, and Public Comment website. In addition, NPS staff members have participated as requested with the various organizations interested in Death Valley's wilderness and backcountry lands, including providing in-depth "interviews" for newsletters and publications, participating in Q&A sessions in person at meetings, and meeting with organizational leadership.

Initial public scoping for a plan focused strictly on designated wilderness (specifically excluding all non-wilderness backcountry roads and lands) was opened from March 26 to June 30, 2009. A total of 18 pieces of correspondence, consisting of 59 individual comments were received during this period. The primary concern expressed was that the scope of the plan was too narrow and should

be expanded to include backcountry lands and dirt roads. These comments were taken into consideration by the Park Superintendent and a decision was made to expand the scope of the project to include both wilderness and backcountry stewardship.

A second public scoping for a plan that includes designated wilderness as well as backcountry lands and unpaved roads was opened from September 4 to November 15, 2009. A total of 97 pieces of correspondence, consisting of 407 individual comments were received during this period. These comments were used in developing the draft conceptual alternatives.

Draft conceptual alternatives were shared with the public via a newsletter in order to solicit feedback on the range of alternatives, each alternative as a whole package, and the degree of support or opposition to the individual elements within the alternatives. The public comment period was April 1 to May 1, 2011. A total of 52 pieces of correspondence, consisting of 196 individual comments were received during this period. These comments were used in developing the alternatives presented in the Wilderness and Backcountry Stewardship Plan.

The plan/EA was released for a 60-day public review period on August 8, 2012. The document was made available on the Park's Public Planning website, and information about its availability was sent as a press release to over a hundred news outlets and individual reporters. Notice of the plan's availability was sent to all interested individuals and organizations on the Park's maintained environmental compliance database. Over 300 hard copy letters were sent by postal mail and over 100 emails were sent to interested individuals and organizations informing them of the plan's availability. Hard copies of the plan were distributed to seven local libraries to enhance public availability. Hard copies were also sent to all cooperating agencies and distributed to 34 individuals who specifically requested paper copies of the Plan. News stories about the public availability of the Death Valley National Park Wilderness and Backcountry Stewardship Plan appeared in the Summit County Citizens Voice on August 13, 2012, and on E&E News Daily (published electronically by Environment and Energy News, LLC) on August 14, 2012. Death Valley National Park's Superintendent and Environmental Protection Specialist made a public presentation of the Plan's major provisions at the request of cooperating agency Inyo County, at the Inyo County Board of Supervisors' public meeting on August 21, 2012. Park Superintendent and staff hosted an open house public meeting for the Plan in Lone Pine, California on August 21, 2012 from 5:00pm – 7:00pm, and in Beatty, Nevada on August 23, 2012 from 5:00pm – 7:00pm. A total of 13 individuals signed the attendance sheet at these public meetings.

The NPS received 424 pieces of correspondence during the public review period for the Death Valley National Park Wilderness and Backcountry Stewardship Plan, and an analysis of those correspondences resulted in 709 separate comments on the Plan. Topics of substantive public comment on the Plan included the Titus Canyon running event, canyoneering activities, canyoneering permits, commercial canyoneering opportunities, the historic wagon train event, backcountry overnight permits, backcountry roads, backcountry cabin use, dispersed and designated camping opportunities, education, information, campfires, alternatives, values, the planning process, fees, peak registers, and concerns about Wilderness Act requirements.



In addition to public involvement, the NPS also consulted via in-person meetings and/or written correspondence with numerous federal, state, and local agencies. Three counties participated as cooperating agencies and thus had the opportunity for substantial involvement throughout the planning process: Inyo County, CA, Esmeralda County, NV, and Nye County, NV. In addition the Timbisha Shoshone also had substantial involvement during much of the planning process. With the release of the public review draft document, formal agency consultation processes included the Timbisha Shoshone Tribe, Pahrump Paiute Tribe, U.S. Fish and Wildlife Service, the California State Historic Preservation Officer, and the Nevada State Historic Preservation Officer. Numerous other federal, state, and local jurisdictions were also included in the mailing list for the announcement of the availability of the draft plan/EA and the public review period.

## COMMENT ANALYSIS PROCESS

Comment analysis is a routine process used to compile and combine similar public comments into a format that can be used by decision makers. Comment analysis assists the planning team in organizing, clarifying, and addressing technical information pursuant to NEPA regulations.

A coding structure was developed to help sort comments into logical groups by topics and issues. The coding structure was derived from an analysis of the range of topics discussed during internal NPS scoping, past planning documents, and the comments themselves. The coding structure was designed to capture all comment content rather than to restrict or exclude any ideas.

The NPS PEPC database was used for management of the comments. The database stores the full text of all correspondence and allows each comment to be coded by topic and issue. Some of the outputs from the database include tallies of the total number of correspondence and comments received, sorting and reporting of comments by a particular topic or issue, and demographic information regarding the sources of the comments.

Analysis of the public comments involved the assignment of the codes to statements made by the public in their letters, email messages, and PEPC entries. All comments were read and analyzed in their entirety.

Codes were then grouped by common topic. Where the same topic was addressed by at least a few comments, then a concern was written to summarize the comments and a response written for that concern. Representative quotes were selected to provide the explicit context of each concern area. Representative quotes, concerns, and responses organized by topics addressed in this planning process are included in the third section of this summary report.

Although the analysis process and content report attempts to capture and represent the full range of public concerns, this content analysis report should be read with the understanding that comments from people who chose to respond do not necessarily represent the sentiments of the

entire public. Furthermore, this was not a vote-counting process, and the emphasis was on content of the comment rather than the number of times a comment was received. This report is intended to be a summary of the comments received, rather than a statistical analysis.

## DEFINITION OF TERMS

Primary terms used in this document are defined below.

Correspondence: A correspondence is the entire document received from a commenter. It can be in the form of a letter, email, written comment form, note card, open house transcript, or petition. Each piece of correspondence is assigned a unique identification number in the PEPC system.

Comment: A comment is a portion of the text within a correspondence that addresses a specific subject. It typically includes information such as an expression of support or opposition to the use of a potential management tool, additional data regarding an existing condition, an opinion debating the adequacy of the analysis, or the identification of something valued by the commenter.

Code: A grouping centered on a common subject. The codes were developed during the public scoping and review processes and are used to track major subjects throughout the planning process.

Concern: Concerns are a written summary of all comments received under a particular code or topical grouping of codes. Concerns statements are written for topics that are addressed frequently in comments as reflected in codes, not every code has an associated concern statement.

Response: A response is a written reply to a concern statement that addresses the comments summarized in that concern, such as by explaining the answer to a question, clarifying a misunderstanding or miscommunication, or what action was taken to address that concern. Like concerns, responses are written for topics that are addressed frequently in comments as reflected in codes, not every code has an associated response.

Representative Quote: Actual quotations extracted from correspondence that are compiled to show a sampling of the range of ideas included in a code or topical grouping of codes. Each quote is annotated with the actual correspondence number and comment number and thus can be backtracked and verified to its origin in PEPC, but specific attribution to the person who made the comment is omitted from public documents in order to protect personally identifiable information. References to organizations may be included in quotes, but not individuals. Quotes may include typographical and grammatical errors as well as place names meaningful to the commenter but not necessarily universally understood or accepted.

# CONTENT ANALYSIS REPORT

## COMMENT DISTRIBUTION BY TOPIC AND CODE

Code	Description	Count	Topic
VV160	Value opportunity to participate/watch Titus Canyon running event	243	Titus
AL5820	Oppose changes to Titus Canyon running event that would result in any limitations	156	Titus
AL135	Oppose the elimination of Titus Canyon running event	90	Titus
AL140	Oppose permit requirements for canyoneering	64	Canyoneering
VV140	Value experience of participating in or watching historic wagon ride	43	Wagon train
AL5110	Support no change to historic wagon ride	39	Wagon train
AL148	Support commercial permits for canyoneering guide services	30	Canyoneering
AL142	Support permits for canyoneering if destination is based on zone rather than specific canyon	29	Canyoneering
AL147	Support prohibition on new bolts or anchors for climbing/canyoneering	22	Canyoneering
AL5100	Prefer or support Alternative A: No Action	21	alternatives
VV141	Wagon train has wide geographic appeal as well as historical and educational value.	20	Wagon train
AL5810	Oppose group size limits on historic wagon rides as proposed in Alt D	19	Wagon train
AL160	Oppose visitor use restrictions	17	limitations
VN110	Value wilderness character (untrammled, undeveloped, natural, and solitude)	14	values
AL4000	Alternatives: New Alternatives Or Elements	13	alternatives
VV143	wagon train ride provides unique opportunity to reach new audiences, including minorities and at-risk urban youth	13	Wagon train
AL5300	Prefer or support Alternative B: Minimum Action	12	alternatives
VV142	wagon train ride accommodates persons with disabilities	12	Wagon train
AL158	Oppose limits on group size	11	limitations
CC1600	Work with canyoneering community and/or organizations	10	Canyoneering
AL5610	Oppose group size limits on historic wagon rides as proposed in Alt C	10	Wagon train
AL5600	Oppose Alternative C: Maximum Action	9	alternatives
AL5700	Prefer or support Alternative D: Focused Action	9	alternatives
AL5800	Oppose Alternative D: Focused Action	9	alternatives
VV100	VALUES - Value the visitor opportunities (activities, programs, recreation)	9	values
IV170	Improve visitor information	8	information
VU2000	Visitor Use: Methodology And Assumptions	8	process
VH100	VALUES - Value the history or cultural resources	8	values

Code	Description	Count	Topic
AL166	Oppose designated roadside camping corridors	7	camping
AL168	Support availability of dispersed roadside camping opportunities	7	camping
AL190	Support increased visitor education	7	education
IV165	Provide for visitor education (eg. Leave No Trace, Tread Lightly).	7	education
AL197	Support cabin stewardship activities as part of visitor experience.	6	cabins
AL201	Oppose prohibition on fires in cabins	6	cabins
AL203	Oppose NPS administrative use of cabins	6	cabins
AL173	Oppose mandatory permit system	6	permits
IV110	Road Access: Re-open closed roads	6	roads
VN100	VALUES - Value the natural resources or setting (flora, fauna, views, natural quiet, undev. areas)	6	values
VN115	Value the uniqueness of Death Valley National Park	6	values
VV150	Sense of adventure, exploration and/or challenge	6	values
VV190	value intangible emotional benefits	6	values
AL149	Oppose commercial permits for canyoneering guide services	5	canyoneering
AL144	Make visitor use permits widely available at unstaffed kiosks, online, etc not just at ranger stations	5	permits
GA2000	Impact Analysis: Use Trends And Assumptions	5	process
SE4000	Socioeconomics: Impact Of Proposal And Alternatives	5	process
IV120	Road Access: Keep open roads open	5	roads
AL202	Support use of and improvements to fireplaces and stoves in cabins	4	cabins
AL141	Support permit requirements for canyoneering	4	canyoneering
AL146	Oppose prohibition on new bolts or anchors for climbing/canyoneering	4	canyoneering
AL171	Oppose user fees	4	fees
AL157	Support limits on group size	4	limitations
AL206	Oppose permit requirements for cabin use	4	permits
AL5130	Support no change to 4x4 group size limits, lack of permit requirements, etc.	4	permits
IP152	Do not require permits	4	permits
VS2000	Visitor Conflicts And Safety: Methodology And Assumptions	4	process
VU4000	Visitor Use: Impact Of Proposal And Alternatives	4	process
VV110	Value opportunities to hike and backpack	4	values
AL180	Support human waste disposal strategies	4	waste
AL182	Support primitive toilet installations in specific areas (vault, composting, solar, etc)	4	waste
IV188	Enforce regulations	3	limitations
AL150	Oppose new infrastructure or facilities in any alternative	3	other
AL192	Support restoration of wilderness by removal of non-historic debris/trash	3	Wilderness Act
AL193	Need more analysis and/or data	3	process
VS4000	Visitor Conflicts And Safety: Impact Of Proposal And Alternatives	3	process

Code	Description	Count	Topic
AL5120	Support no change to Titus Canyon running event	3	Titus
VN150	Value geologic resources	3	values
VV144	Value historic wagon train as way to build connections between environmental community and equestrian community.	3	Wagon train
AL184	Support "pack out" waste disposal strategy at specific high use areas.	3	waste
AL175	Oppose alternative due to cost to implement.	2	alternatives
AL5500	Prefer or support Alternative C: Maximum Action	2	alternatives
AL5710	Support Alternative D with expanded group sizes for activities such as Day Hiking groups, 4WD groups, Equestrian Event and/or Wagon Train event	2	alternatives
AL156	Support maintenance of cabins for visitor use	2	cabins
IV192	Clarification of plan's provision for pest-free fuel wood is needed	2	campfires
AL162	Oppose primitive backcountry campgrounds	2	camping
IV180	Provide designated campsites/campground in high use areas that are reservable	2	camping
IV155	Accommodate Canyoneering	2	canyoneering
AL153	Support new backcountry signs (wayfinding, regulatory, interp)	2	information
IV196	Support a minimal number of signs warning of dangerous conditions	2	information
IP105	Balance visitor use and resource protection.	2	limitations
IP121	Wilderness designation reduces access	2	limitations
IV187	minimize NPS presence in the backcountry and/or wilderness	2	limitations
AL143	Oppose visitor use permits (general)	2	permits
AL172	Support user permit system (online, onsite, etc)	2	permits
IP150	Provide online permits with visitor use regs and education	2	permits
CC1200	Proactively engage the public in the planning process (includes media relations, meetings, etc.)	2	process
ON1010	Scope of plan is more appropriate to EIS than EA	2	process
PO4100	Consider impacts of each alternative on persons with disabilities, including mobility, respiratory, etc.	2	process
VE2000	Visitor Experience: Methodology And Assumptions	2	process
VE4000	Visitor Experience: Impact Of Proposal And Alternatives	2	process
WH4000	Wildlife And Wildlife Habitat: Impact Of Proposal And Alternatives	2	process
AL196	Support road stewardship activities as part of visitor experience.	2	roads
IV111	Re-open roads in backcountry that have not been designated wilderness to provide recreational access	2	roads
IV115	Oppose road maintenance standards that propose not to maintain roads based on practicality or feasibility concerns.	2	roads
IV140	Road Access: non-specific	2	roads
TV120	aircraft overflights detract from wilderness experience and solitude	2	values
VN120	Value silence and/or natural soundscapes	2	values

Code	Description	Count	Topic
VN125	Value dark night sky	2	values
VV125	Value roads as access to wilderness	2	values
AL208	Oppose the installation of modern toilet facilities at backcountry cabins; any toilet facilities at these sites should be consistent with historic values.	2	waste
IP136	Improper disposal of human waste/lack of toilet facilities is an issue	2	waste
AL5200	Oppose Alternative A: No Action	1	alternatives
AL204	Oppose changes to cabin infrastructure	1	cabins
AL205	Non-specific: Oppose changes to visitor use of cabins	1	cabins
VH120	Value historic cabins as a portal to another time.	1	cabins
AL163	Allow campfires in backcountry/wilderness campsites	1	campfires
AL164	Allow campfires in fire pans in backcountry/wilderness campsites.	1	campfires
AL215	Support contained charcoal fires in barbeques in the backcountry	1	campfires
AL216	Support use of contained propane stoves in backcountry or wilderness areas	1	campfires
AL217	Support provision for backcountry fire rings if they have a grate for cooking	1	campfires
IV193	Request the NPS to identify sources of pest-free wood	1	campfires
IV194	Request that all firewood burned in backcountry be of natural wood only and not be painted, glued, chemically treated, or contain metal or plastic fasteners.	1	campfires
AL161	Support primitive backcountry campgrounds	1	camping
AL165	Support designated roadside camping corridors	1	camping
AL174	Oppose fee for backcountry camping	1	camping
AL5720	Support continued camping access at Eureka Dunes primitive campground under Alternative D	1	camping
AL5730	Support designated roadside camping corridors, but feel the number of sites identified in Alternative D is too low for each corridor.	1	camping
AL5740	Support the camping opportunities in Alternative D, with the road maintenance plan of Alternative B	1	camping
IV178	Allow people to pull off road for roadside camping	1	camping
IV182	Backcountry camping rules are a concern	1	camping
VU2010	Disagree with assertion that recreational, educational, or scenic purposes of wilderness are being met with non-commercial canyoneering.	1	canyoneering
AL209	Support the designation of certain high-use frontcountry and/or backcountry corridor sites that have significant cultural, historic, land formation and/or wildlife value, as day-use only.	1	limitations
AL219	Support restrictions on generators in backcountry areas to protect soundscape and visitor experience	1	limitations
AL225	Support the plan's lack of visitor quotas	1	limitations
AL226	Oppose restrictions on peak climbing	1	limitations
AL5830	Oppose visitor use restrictions at Eureka Dunes in Alternative C and D	1	limitations

Code	Description	Count	Topic
AL137	Support the NPS policy prohibiting Geocaching in parks and wilderness	1	Peak Registers and Geocaching
AL178	Support trailheads and/or designated trails	1	other
AL188	Support stock use in wilderness	1	other
AL195	Support resource stewardship (non-specific) activities as part of visitor experience	1	other
AL199	Support/expand commercial opportunities	1	other
AL211	Support Racetrack restoration	1	other
AL212	Support fees for certain activities	1	other
AL220	Support enhanced opportunities for organizations to support wilderness restoration	1	other
AL222	Support Wilderness Character monitoring strategy and encourage consistency between parks and other agencies	1	other
IP103	Do not expand wilderness	1	Wilderness Act
IP108	Mormon Peak facility is a commercial enterprise in wilderness, and its right-of-way is expired	1	Wilderness Act
IP112	Protect park from new development/over development	1	other
IP113	Protect park and/or wilderness from overuse	1	other
IP114	Limited public access protects wilderness values/experience	1	other
IP165	Concerned about costs in general	1	other
IP190	Profiteering by private individuals/ businesses from public lands	1	other
IV135	ORV trespass is a serious issue at Death Valley National Park	1	other
IV185	Increase ranger presence to protect resources and/or provide visitor services	1	other
IV186	Closely monitor impacts to wilderness	1	other
IV195	Increasing visitor use may prompt increase in visitor services/facilities and new impacts on park resources and wilderness	1	other
IV199	Clarification of parking areas in backcountry is needed	1	other
MT1200	Concern or recommendation regarding a facility or issue outside the scope of this plan.	1	other
TN110	Off road vehicle use damages desert environment	1	other
TV110	Unauthorized vehicles in wilderness detract from wilderness experience	1	other
TV121	This plan or a subsequent plan should do more to regulate commercial air tours	1	other
WA100	Commercial installations in wilderness and permanent roads cannot be waived under the minimum requirements exception of the Wilderness Act	1	Wilderness Act
WA110	Commercial rights-of-way in wilderness are not supported by the Wilderness Act	1	Wilderness Act

Code	Description	Count	Topic
WA120	The Timbisha Shoshone Homeland Act does not provide an exemption from the Wilderness Act, and Native American activities outlined in the plan should be consistent with the Wilderness Act	1	other
WA130	Research in wilderness can be excepted from Wilderness Act 4(c) prohibitions only as necessary to meet minimum requirements for administration of the wilderness area	1	other
WA140	Guzzlers can only remain in wilderness if they are necessary for the administration of the wilderness area under the purposes of the Act	1	other
AL133	Support the proposed plan to balance peak registration activities with wilderness, including the archiving of peak registers when full.	1	peak registers and geocaching
AL134	Oppose the removal of any summit registers	1	peak registers and geocaching
CC1700	Request that Inyo County be part of the team reviewing the effectiveness of any permit system	1	permits
IP153	Permits should be free	1	permits
IP154	Support permits in high use areas only	1	permits
IP155	Information about visitor use gathered in permits should be shared with public	1	permits
AE22000	Affected Environment: Visitor Use	1	process
AL3000	Alternatives: Envir. Preferred Alt./NEPA § .101&102	1	process
CC1100	Formally include recreation interests in the planning process (e.g. citizens advisory group)	1	process
ON1000	Other NEPA Issues: General Comments	1	process
ON1020	If proposed actions do not directly deal with preventing "impairment" under the Organic Act, they should not be considered in this plan	1	process
ON1030	Public scoping was confusing and 3 public comment periods for scoping were not enough; public scoping should be re-opened.	1	process
ON1040	Request hard copy of plan	1	process
ON1050	Request extended comment period.	1	process
ON1060	Appreciate opportunity to be a cooperating agency for planning process	1	process
PN1000	Purpose And Need: Planning Process And Policy	1	process
PN11000	Purpose And Need: Other Policies And Mandates	1	process
PN3000	Purpose And Need: Scope Of The Analysis	1	process
SE3000	Socioeconomics: Study Area	1	process
SE4100	Impacts to socioeconomics should be directly equivalent to impacts to park operations	1	process
VU4100	Impacts to visitor use should be directly equivalent to impacts to park operations	1	process
WH1000	Wildlife And Wildlife Habitat: Guiding Policies, Regs And Laws	1	process
WH2000	Wildlife And Wildlife Habitat: Methodology And Assumptions	1	process
WH3000	Wildlife And Wildlife Habitat: Study Area	1	process



Code	Description	Count	Topic
AL194	Support establishment of a written road maintenance strategy	1	roads
CC1750	Request that the park work with Inyo County to maintain roads damaged by weather events	1	roads
CC1770	Request that the park work cooperatively with Inyo County to maintain roads and access	1	roads
IV119	Backcountry roads are important access for emergency services and should be maintained for this purpose	1	roads
IV121	Roads should be maintained to allow for movement of water; this will preserve them in better condition	1	roads
IV122	Roads in poor condition encourage drivers to take risks, which could lead to resource damage	1	roads
IV126	Roads closed by Congress in 1994 should be blocked to prevent trespass, but the historic route should remain for hikers or horseback riders	1	roads
IV127	Historic routes associated with the 20 Mule Team should be marked on maps for appropriate recreational use	1	roads
IV136	Clarification needed in plan about wilderness boundaries beginning 50 feet from the centerline of backcountry roads	1	roads
IV197	Oppose wayfinding signs in the backcountry	1	information
AL136	Support restrictions on Titus Canyon marathon to reduce adverse impacts on visitor use and experience	1	Titus
AL5510	Support size limits for Titus Canyon Marathon in Alternative C	1	Titus
VV112	Value opportunity to explore canyons	1	values
VV120	Value opportunity for driving on backcountry roads	1	values
VV170	Value opportunity to engage in resource stewardship (road maintenance, cabin maintenance, etc.)	1	values
AL132	Request designated campsites for wagon train event	1	wagon train
AL5115	Support expansion of historic equestrian event	1	wagon train
AL185	Oppose "pack out" human waste mgmt strategy at specific high use locations.	1	waste
AL207	Support phased approach to packing out waste, beginning with packing out of toilet paper	1	waste
AL183	Oppose primitive toilet installations.	1	waste
IV181	Access to backcountry roads/sites diminished for many due to the abuses of a few	1	other

### CORRESPONDENCE COUNT BY ORGANIZATION TYPE

Organization Type	Number of Correspondences
County Government	1
Non-Governmental	4
State Government	1
Unaffiliated Individual	418
Total	424

### CORRESPONDENCE DISTRIBUTION BY COUNTRY

Country	Percentage	Number of Correspondences
USA: United States	96.5%	409
CAN: Canada	1.9%	8
GBR: Great Britain	0.7%	3
AUT: Austria	0.2%	1
SWE: Sweden	0.2%	1
ITA: Italy	0.2%	1
DEU: Germany	0.2%	1
Total		424

## CORRESPONDENCE DISTRIBUTION BY STATE

State	Percentage	Number of Correspondences
CA: California	66.3 %	281
UT: Utah	4.7 %	20
AZ: Arizona	3.5 %	15
NV: Nevada	3.1 %	13
CO: Colorado	2.8 %	12
UN: Unknown/Undisclosed	2.6 %	11
OR: Oregon	1.9 %	8
OH: Ohio	1.4 %	6
NY: New York	1.4 %	6
NM: New Mexico	1.4 %	6
PA: Pennsylvania	1.2 %	5
NC: North Carolina	0.7 %	3
ID: Idaho	0.7 %	3
VA: Virginia	0.7 %	3
RI: Rhode Island	0.7 %	3
WA: Washington	0.7 %	3
IN: Indiana	0.5 %	2
NJ: New Jersey	0.5 %	2
TX: Texas	0.5 %	2
LA: Louisiana	0.5 %	2
IL: Illinois	0.5 %	2
DC: Washington District of Columbia	0.5 %	2
WI: Wisconsin	0.5 %	2
NH: New Hampshire	0.2 %	1
FL: Florida	0.2 %	1
HI: Hawaii	0.2 %	1
AK: Alaska	0.2 %	1
MI: Michigan	0.2 %	1
IA: Iowa	0.2 %	1
MA: Massachusetts	0.2 %	1
SC: South Carolina	0.2 %	1
CT: Connecticut	0.2 %	1
DE: Delaware	0.2 %	1
KS: Kansas	0.2 %	1
VT: Vermont	0.2 %	1
Total		424

# PUBLIC SCOPING COMMENT SUMMARY

## TOPIC: TITUS CANYON

Related Codes: AL 135, AL136, AL5120, AL5510, AL5820, VV160

Concern: Many commenters expressed that they value the opportunity to participate in the Titus Canyon running event. Some commenters requested that the plan take no steps to limit the running event, while others urged the National Park Service to not make a management decision that would eliminate the event. One commenter who had participated in the Titus Canyon running event felt it was too chaotic.

Representative quotes:

Correspondence #185, Comment #300578

“As a runner, it is truly one of the most memorable experiences to be able to run through Titus Canyon. To categorically limit our ability to do this would be a travesty. It is my recommendation that Titus Canyon continue to remain open for an annual December run.”

Correspondence #370, Comment #301921

“I understand that you are contemplating banning trail runs / trail races in Death Valley, and I'm writing to ask you to please reconsider.

I am scheduled to run my first marathon in Death Valley this December 1st, and I am so very excited about it. It's something I've long wanted to do, so I would ask that you please consider the wishes of hundreds/thousands of trail runners across the country who love to run in the back country of this great nation. We are environmentalists; we leave no trace behind of our presence, and we respect the earth and our place in it. Please do not take away this privilege!”

Correspondence #76, Comment #300786

“I was dismayed to read that in the stewardship plan proposes to eliminate the annual Death Valley trail marathon through Titus Canyon. I have run the race once, unfortunately with an alternate course, as rains had prevented the race from going through the canyon. I have, though, driven through Titus Canyon, and as enjoyable as it was, looked forward to traversing it on foot.

It seems to me that 250 people running through the canyon one day a year does not impose as much an impact as the thousands of cars permitted through the canyon annually. Please reconsider the elimination of this race. thanks.”

Correspondence #300, Comment #300951

“I ran the Desert Marathon a few years ago, and it was nothing but chaos. Poor planning, lack of communication, and all the participants were in utter confusion. Death Valley is beautiful and someday I would like to return. I won't be running in the Marathon.”

Response: The National Park Service's preferred alternative in the Environmental Assessment provides for the Titus Canyon running event to continue at a level of 200 runners and 15 support vehicles, with the opportunity for the event to occur once every ninety days. Death Valley National Park managers cannot close any area of the national park for a commercial event, and Titus Canyon Road is a popular area for driving. Restrictions were developed to accommodate both the running event and other park visitors driving the road. With due consideration of the public comments on this topic, park managers examined the impacts of the Titus Canyon running event to visitor use and park resources and found that impacts were unchanged at a level up to 250 runners. The selected action provides for the Titus Canyon running event at 250 participants and 15 support vehicles once every ninety days.

## **TOPIC: CANYONEERING**

Related Comments: AL140, AL141, AL142, AL146, AL147, AL148, AL149, CC1600, IV155, VU2010

Concern: Several commenters opposed day use permits for canyoneering in Death Valley National Park, and suggested alternatives including a zone-based permit system or an individual-based permit system, as well as working with canyoneering organizations to protect park resources. A few commenters supported the plan's provision for day use canyoneering permits and advocated for fees or group size limits. Many commenters supported the plan's restriction on new bolts in wilderness while a few expressed that a prohibition on new bolts was too restrictive. Some commenters requested that the plan accommodate commercial canyoneering, while others opposed commercial canyoneering. One commenter felt that canyoneering was a commercial service that was necessary to achieving the purposes of wilderness.

Correspondence #168, Comment #301723

"Death Valley contains many unexplored slot canyons. A permit system specific to any slot canyon will require constant IT system updates to allow permits to be issued to newly discovered canyons at great cost to the NPS. Reasons that often drive the creation of a permit system include the following:

- 1- Rules will be printed on the permit and can therefore be better enforced if canyoneers break rules
- 2- A day use permit for each canyon allows the NPS to ensure groups don't collide or get crowded
- 3- The NPS wants a record of canyon use to assess impact and guide further management actions

These objectives can be met in other ways. American Canyoneers, the access organization representing technical canyoneers ([www.americancanyoneers.org](http://www.americancanyoneers.org)), can post the Death Valley unique rules on its website and can facilitate the rules being posted on other canyoneering websites. The NPS can also post the rules on its own website. Grand Canyon created a "technical canyoneering bulletin" to make Canyoneers aware of local rules. The prospect of there ever being crowding in Death Valley due to canyoneering popularity is very low. It's very large and many canyon options exist. The NPS in Grand Canyon monitors canyoneering use through a checkbox on overnight permits. This provides information on

popular use areas but not specific canyons. Grand Canyon has rangers that occasionally descend the more popular day use canyons to monitor impacts. These monitoring trips are often combined with high angle search and rescue training. Grand Canyon also relies on American Canyoneers to get the word out about issues and to self-police canyons. The community organizes trips to remove stuck ropes or perform canyon cleanup as required.”

Correspondence# 399, Comment #301932

“With regards to the potential regulation of canyoneering within Death Valley National Park, please note that I will state my support of alternatives A or B. Specifically, the concept of creating a day-use permit system would add a degree of complexity to the activity that could potentially force groups into higher hazard situations due to localized changes in conditions, group structure or time availability. The widely dispersed nature of potential permit distribution centers, coupled with the length of many DV canyoneering routes, requires a certain degree of flexibility that would be curtailed if a day permit system is introduced. If closer monitoring of the activity is desired, perhaps a generic "park canyoneering permit" with online availability would be best. At this point, the very low use levels do not necessitate limitations on use levels, such as is present in a more popular park (eg. Zion).”

Correspondence #408, Comment #302053

“Section 2.5.6 of Alternative D (page 70) seems to be well thought out in regards to a permit system for private canyoneering trips. This system seems as though it would be modeled on the highly successful system now in use in Zion National Park. That system seems to have seriously improved both the safety of individuals involved in this intrinsically dangerous sport and the condition of the backcountry areas. The limits of 12 people per trip and a maximum of 4 vehicles per party that are proposed seem perfectly reasonable. The eventual implementation of a nominal fee seems only fair given the fact that rescues will have to be made, almost certainly on at least a yearly basis and likely several times a year.”

Correspondence #138, Comment #300866

“In regard to requirements that canyoneering groups use clean and safe canyoneering practices, environmental sensitivity, and respect for other park visitors...and climbing/canyoneering bolts/hardware limitations I agree with the park's proposed restrictions as they help to protect the environment and park experience that we all come to Death Valley to enjoy.”

Correspondence #251, Comment #300964

“Those I canyoneer with and myself strongly support limited impact as it pertains to bolting and the use of non-natural rappelling anchors. We therefore don't mind restrictions on bolting and desire to see its use limited. We strongly prefer using natural anchors whenever possible (rock pinches, boulders, rock piles, etc.). That said, a total ban on bolting could go too far. There are a small number of canyons where bolts make some sense (Willow Creek being the most notable example). This is usually due to water damaging natural anchors or total lack of any natural anchor. My stance (which I believe is consistent with the canyoneering community in general) is that bolts should only be placed as a last resort or if certain conditions (such as the flowing water in Willow Creek) could make typical natural anchors less safe. Safety certainly needs to be an important consideration. In regards to the use of motorized drills it appears the park recommendation is to prohibit their use (only

allowing non-motorized hand drills) and I concur with that rule. That is consistent with other parks.”

Correspondence #40, Comment #300680

“I am a regular visitor to Death Valley National Park. I would like to participate in commercially guided canyoneering trips in the Park, but understand that this might not be an option under the new Wilderness and Backcountry Stewardship Plan. I have done a lot of hiking in the Park over the past 30 years, but do not have the skills necessary to safely undertake a canyoneering trip. Guided canyoneering is an environmentally sensitive, low-impact use of Wilderness lands that will enhance my, and the public's, enjoyment of the Park's backcountry. As such, I would be very grateful if you would include it as a permissible use within the Park.”

Correspondence #177, Comment #300588

“I agree with the plan to ban guided canyoneering in the park. Since the canyons are challenging, this will mean that fewer groups will be descending since a significant experience-level is required. It means that advertising the wonderful canyons is kept at a minimum and the growth of canyoneering in Death Valley will be slower. Canyoneering in Death Valley does not need to be made available to the masses (who require a guide). I do not believe that individuals should be making money within Death Valley by guiding the canyons.”

Correspondence #38, Comment #301803

“The WSP in the Appendices on page 308 states: "Based on current and reasonably foreseeable patterns of use, the recreational purpose of wilderness specific to these canyons is being met by noncommercial canyoneers, who organize trips to these remote locations and disseminate information to other noncommercial users by means of publicly published information." It would appear to me that this statement is unsupported. Since there are no permits issued for guided canyoneering there is no option but to go on a non-guided trip, or if you do not have the experience, skills or friends to not go at all. Published information is no guarantee of a safe enjoyable experience and as we all know there is a lot of erroneous information available on the Internet.”

Response: The NPS preferred alternative outlines a requirement for day-use permits for canyoneering, proposes a prohibition on new bolting in wilderness pending the outcome of a forthcoming national policy on this issue, and, while the plan recognizes private canyoneering as a legitimate form of recreation in wilderness, it does not allow for the commercial service of guided canyoneering in wilderness. As directed by the Wilderness Act, the NPS conducted an analysis and made a determination of the extent commercial services are necessary for achieving the purposes of Death Valley's wilderness; this determination is included as Appendix J of the plan. Commercial canyoneering was determined not necessary for achieving the purposes of wilderness. With due consideration of public comments on the multiple facets of canyoneering, the NPS examined aspects of canyoneering as treated in the Plan and found that the conclusions in the preferred alternative regarding bolting in wilderness and commercial services in wilderness were consistent with the Wilderness Act. In the selected action for this plan, the NPS will institute a phased or modified

permit system based on permitting each individual canyoneer for a one-year period, with reporting requirements to track use and monitor impacts. If canyoneering activities create visitor safety concerns or resource damage, a day use permit system as described in the plan could be implemented in the future under the plan/EA.

## **TOPIC: HISTORIC WAGON TRAIN AND EQUESTRIAN EVENT**

Related Codes: AL132, AL5110, AL5115, AL5610, AL5810, VV140, VV141, VV142, VV143, VV144

Concern: Many commenters expressed that they value the opportunity to participate in or watch the Historic Wagon Train Event, and some of these individuals and organizations added that they value the Historic Equestrian Event. Commenters pointed out that the wagon train event represents the history of Death Valley and appeals to a broad audience, including youth and international visitors, and that the event accommodates people with disabilities. Some commenters opposed any limits on the Wagon Train event in the plan, while others requested higher participant limits.

Representative Quotes:

Correspondence #15, Comment #300494

“I would like to encourage you to adopt alternate A for the Historical Wagon Train. This historical wagon train has been celebrated since 1967 and has been experienced by many children, the disabled, and foreign dignitaries from all over the world. We have had guest from England and France that have stated it was an experience of a lifetime. The 49ers' Encampment has been a historical event for 45 years bringing over 5,000 people a year to Death Valley. In limiting the number of people who can enjoy the activities you are limiting who can enjoy this event.”

Correspondence #149, Comment #300876

“I am writing to comment on the proposed Wilderness and Backcountry Stewardship Plan and in support of keeping the limits of the Death Valley '49ers historic events, particularly the historic wagon train event, consistent with an average of the past 10 years levels of participation. For the Historic Wagon Train I encourage you to select Option A no change to current practice allowing local staff to oversee reasonable limits or to set the limits at no less than 18 wagons and 60 stock with no limit to the number of passengers in the wagons. Passengers in recent years have included children and grandchildren of the participants as well as pioneer descendents of the Wade family and disabled individuals who would not otherwise have been able to experience the wilderness of our beautiful Death Valley. We appreciate the need to preserve and protect our national treasures but also feel that these wilderness areas should be preserved for the enjoyment, appreciation and education of current and future generations of Americans and to share with our foreign visitors. This event brings together so many folks for this purpose to the park.”

Correspondence #418, Comment #302069



“The Horse Riders are one of the Encampments early events dating back to the mid 1950's. Over the years things change as it has with the riders. I fully understand the problems of last year and we are fortunate they are still included as an "historic event." This year the number of riders has been reduced, understandable. I would like the following to be considered. If the horse riders do everything right this year I believe consideration should be given to increasing the number gradually to a number that was previously approved. A possibility would be "no more than 75 or 80 riders based on a special use permit.”

Response: The National Park Service’s preferred alternative in the Environmental Assessment provides for the Historic Wagon Train Event to continue at a level of 12 wagons, 50 stock, and 3 support vehicles, while the preferred alternative provides for the Historic Equestrian Event to continue at a level of 50 stock and 15 support vehicles. These limits were developed based on current and recent patterns of use, as well as to protect park resources and minimize conflicts with other park visitors. With due consideration of public input, and with analysis of both events in 2010, 2011, and 2012, park managers found that the impacts to visitor use and park resources were unchanged at a level up to 15 wagons, 50 stock, and 3 support vehicles for the Historic Wagon Train Event and up to 50 stock and 18 support vehicles for the Historic Equestrian Event. The selected action provides for both events at these use levels.

## **TOPIC: ALTERNATIVES**

Related Codes: AL4000, AL5100, AL5110, AL5115, AL5120, AL5130, AL5200, AL5300, AL5400, AL5500, AL5510, AL5600, AL5610, AL5700, AL5710, AL5720, AL5730, AL5740, AL5800, AL5810, AL5820, AL5830

Concern: Some commenters voiced support or opposition for specific alternatives, with the No Action Alternative (Alternative A) garnering the most support followed by support for the Minimum Action Alternative (Alternative B) and the Focused Action Alternative (Alternative D). There was the least support for and the most opposition to the Maximum Action Alternative (Alternative C). Many commenters voiced support or opposition for specific elements of specific alternatives (e.g. opposition to day use permits for canyoneering in Alternatives C and D) and those concerns are summarized in those specific topics. A few commenters suggested new alternatives or new elements for existing alternatives or expressed support for combining elements from different alternatives.

Representative Quotes:

Correspondence #2, Comment #298810

“My vote is for Alternative A....No Action. Just manage the tourist areas and leave the backcountry alone. The less you do, the better.”

Correspondence #5, Comment #298818

“Whereas Alternative A, No Action, would continue to make wilderness access difficult, it is unacceptable, as minimal, but very important, measures (those recommended in Alternative B) do need to be taken to protect and enhance the viability of the wilderness resource, as the present situation is neither desirable nor viable.”

Correspondence #57, Comment #300757

“Alternative C is excessive to me and leads to overuse of the backcountry, thus impeding the quality of experience of most (not all) people who spend time in the backcountry. Opportunities for solitude would be reduced and encounters that feel primitive and unconfined would be affected.”

Correspondence #415, Comment #302109

“We support the Park’s Preferred Alternative (alternative D), which represents a reasonable mix of self-directed exploration and managed visitor experiences.”

Correspondence #168, Comment #301721

“We are against day use permits as cited in Alternative C and D. As a result, we favor alternative A and B, or C and D amended with the removal of the day use permit for canyoneering.”

Correspondence #57, Comment #300758

“I would like to suggest an alternative similar to Alternative D that differs from it in 1. omitting designated campsites and allowing dispersed camping, 2. allowing dispersed camping in some areas where it is not currently allowed eg. Harry Wade Road, Big Pine Road road, West Side Road). 3. requiring backcountry users to carry out their human waste, 4. using volunteers to help locate violators, assist in education about regulations/ethics, and facilitate changes in the visitor culture related to protection of the park and civility of behavior.”

Response: The alternatives were developed to represent a reasonable range of alternatives and conceptual draft alternatives were shared with the public in 2011 in order to gauge public response to new or novel elements, and then those alternatives were refined to become the alternatives fully analyzed and presented in the Environmental Assessment. The No Action Alternative (Alternative A), was included as a requirement of the National Environmental Policy Act in order to serve as a baseline from which to analyze action alternatives. However, it does not fully meet agency policy for the protection of wilderness. While the Minimum Action Alternative is a viable alternative, it only addresses the most pressing issues that currently exist and does not position the park to proactively meet visitor needs and protect park resources in the future. The Maximum Action Alternative (Alternative C) is also a viable alternative that strives to be aggressively proactive regarding anticipated future needs. In doing so, this alternative includes some elements that are speculative and may never be necessary or realistic, and thus was widely perceived by the public to be over-reaching and represented too much change too fast to the places and activities that visitors value. The Focused Action Alternative (Alternative D), presented in the Environmental Assessment as the agency’s preferred alternative, seeks to meet existing needs and proactively address future needs that are likely to be realized in the next decade or so. Following consideration of public

comments, the Focused Action Alternative has been selected to accommodate appropriate existing uses and to carefully phase in and evaluate many of the most controversial visitor management elements on an as needed basis. Alternative D as implemented in due consideration of public comment is the NPS selected action, and the full description of this action is included in the decision document.

## **TOPIC: VALUES**

Related Codes: VH100, VH120, VN100, VN110, VN115, VN120, VN125, VN150, VS2000, VS4000, VU2000, VU2010, VU4000, VU4100, VV100, VV110, VV112, VV120, VV125, VV140, VV141, VV142, VV143, VV144, VV150, VV160, VV170, VV190

Concern: Many commenters expressed that they value opportunities to pursue specific activities in wilderness and/or backcountry settings such as hiking, 4x4 vehicle travel, canyoneering, photography, and study of the park's natural or cultural resources. Still other commenters value the opportunity to access, camp, or explore specific locations within the park, such as certain canyons, peaks, cabins, or mines. Many commenters voiced their specific interest in participating in organized group activities, such as the Historic Wagon Train Event or Titus Canyon Running Event. Many commenters also expressed their appreciation of experiential aspects of the park, including their enjoyment of solitude, dark night skies, scenic vistas, and natural sounds as well as personal fulfillment in meeting new physical challenges and enjoying a sense of adventure or discovery while exploring the vastness of Death Valley National Park.

### Representative Quotes:

Correspondence #169, Comment #301727

"I love the vastness of Death Valley. The wide open places and sheer size stuns my senses in the silence."

Correspondence #371, Comment #301981

"For the past 15+ years, I have made at least one trip per year to Death Valley and sometimes as many as four. I've enjoyed the scenery and weather immensely. I've viewed five planets from a campsite at Mahogany Flat, hiked up Telescope Peak in the sun and the snow and retreated from the peak during a thunderstorm. I've toured Scotty's Castle, contemplated the Racetrack..., ran in and out of Ubehebe Crater, and hiked Ubehebe Peak. I've had a blast at the Eureka sand dunes, the sand dunes near Stovepipe Wells, and trekked through numerous canyons. I've enjoyed sweltering days and frigid nights in several of the campgrounds. I've witnessed some fantastic wildflower blooms and even paddled my 19' sea kayak at Badwater when El Nino allowed it."

Correspondence #409, Comment #302085

"There is a mental, emotional, and Spiritual difference in a wilderness experience when one suddenly realizes that with each further step taken, they are crossing over a threshold leaving behind the safety and security of an organized society while entering that of the

solitude, independence, and risk, of a true wilderness area. The visitor realizes they can no longer be rescued, they become vividly aware of the fact that no one, save for their Creator, knows where they are. The beneficial impact of this is something that can only be understood and valued by those that have walked away from the edge of the earth and fallen headlong into true solitude. You are alone, it is up to you and the grace of your Creator to survive and learn from the situation. In a sense, permits which I have carried tied to my backpack in other wilderness areas, became a chain which bound me to the culture and security of a social system which is contrary to the intention of, and experience afforded by, wilderness. That chain rattled a reminder that I was not free from other human beings, that I was responsible to them and they to me, that chain prevented me from being truly alone with nature and my Creator. On solitary ventures of the depth to which I refer, one's only responsibility should be, to preserving the wilderness they explore, themselves, and their Creator if they choose to acknowledge one."

Response: The NPS acknowledges and appreciates the many values that park visitors hold for the special places and experiences offered in Death Valley National Park. Our planning process was shaped by our intent to preserve those resources and visitor experiences valued by the public while also fulfilling our legal obligations for wilderness protection and resource stewardship. The selected action is designed to preserve the places and experiences valued by park visitors while also meeting legal requirements and agency policy for the administration of the area as a unit of the National Park System and the National Wilderness Preservation System.

### **TOPIC: PLANNING PROCESS**

Related Codes: VU2000, GA2000, SE4000, VS2000, VU4000, AL193, VS4000, CC1200, ON1010, PO4100, VE2000, VE4000, WH4000, AE22000, AL3000, CC1100, ON1000, ON1020, ON1030, ON1040, ON1050, ON1060, PN1000, PN11000, PN3000, SE3000, SE4100, VU4100, WH1000, WH2000, WH3000

Concern: Several commenters questioned the level of analysis, data sources, and/or conclusions drawn regarding several aspects of visitor use. There was some concern that the majority of visitors were not engaged in the public scoping and/or public review processes. There was also some concern about the quality and/or sources of visitor use data used to inform the alternatives. A few commenters felt the site specific details were lacking regarding the location and configuration of designated campsites in primitive campgrounds and/or designated roadside camping corridors.

Representative Quotes:

Correspondence #57, Comment #300748

"I can understand the need to have a long range and coherent plan for management of the backcountry. However, I am not so clear about how some of the specific aspects of the alternatives were developed. The needs assessment procedures were not very scientific but seem arbitrary and, at times, biased, in their methodology, conclusions and

recommendations. For example, evidently there was a survey conducted to assess public attitude and values but the survey was not administered to very many people and not to a representative or random population. Certainly an infinitesimal fraction of the total number of visitors to the park were surveyed. I was in the Death Valley Visitor Center when some people were given the survey while others were not, even though they were interested. The selection of participants appeared to be based on the nature of the conversation the staff had with the visitor rather than on any method for random selection of subjects. Another, more sophisticated, survey should be conducted if the results are going to be used to develop long range plans for management of the back country. Backcountry users should all have an equal opportunity to be included as a participant in the survey. Because of this lack of a data-based information the creation of alternatives for management plans is highly compromised leading arbitrary and capricious decisions. If the park service is going to create a plan for how the backcountry is managed, then users should be included in the process.”

Correspondence #74, Comment #300776

“There is not a meaningful assessment of issues and needs in the park. In fact, issues are presented without evidence. For example, I did not see anywhere that the human waste issue has been documented. In addition, no evidence is presented that dispersed roadside camping in the backcountry has any meaningful adverse impact on the environment. Furthermore, the issue of crowding is actually contradicted by views expressed in the document: roadside camping in the backcountry is evenly dispersed most of the year and existing backcountry roads are adequate for visitor demands. In fact, based on assumptions presented in the document, on average there is 100 to 200 miles of backcountry roads available for camping per group per day.”

Correspondence #57, Comment #300755

“There seems to be no way for the public to have knowledge of or input into where designated campgrounds would be placed in Echo, Hole, Cottonwood, Marble, Monarch, Greenwater, Wood, Trail... How can I comment on this proposal when I have no idea where the camps would be nor even an idea about how the park service might assess potential sites. For example, in Echo, would they all be in the canyon, or all on the road leading to the canyon? Depending on the time of the year "ideal" sites in these areas vary (as a function of elevation, wind tunnels, etc. There may also be some safety issues as extreme weather (wind, cold, rain..) might make it unsafe to be at certain elevations or in drainage areas, Additionally some people always prefer to be in the canyons and others prefer the open areas. Where people are planning to hike will determine where they prefer to camp. Designated campsites affect accessibility to the backcountry. How does the public have any input into the selection of designated sites and how can they comment on this proposal without more information? The apparent lack of research and inclusion of the public in the selection of designated camps make this process arbitrary and subject to the whims of managers.”

Correspondence #109, Comment #300822

“On page 10 the purpose statement says: "Provide opportunities for compatible outdoor recreation." Nowhere in the Plan is there any indication that dispersed camping is incompatible with any of the other management objectives. Nowhere in the scoping comments is there anything that indicates that the commenters find dispersed camping to

be incompatible with other management objectives. If the Park Service has evidence that dispersed camping is not in balance with the limitation of the fragile resource they should have presented it. This is a part of the plan that has no basis in the purpose and need statement. It should be omitted from the final decision.”

Correspondence #403, Comment #302092

“In many of the various groups and committees, I see no mechanism for public involvement. After serving on several public groups affiliated with government entities (City, County and BLM) I've come to the conclusion that the more transparent the interface, the better the relationship. I therefore recommend some form of public participation in these groups, especially those that will have direct involvement with volunteers and site activities. I would especially like to see the public added to the processes advocated in Appendices O and P.”

Response: The NPS planning process met or exceeded the requirements as described in NPS Management Policies and Director's Order 12: Conservation Planning, Environmental Impact Analysis, and Decision-making. In recognition of the importance of this long-term and wide-reaching plan to park visitors, park managers decided early in the process to go beyond the normal means to proactively engage the public, including 160 days total of public scoping in 2009, the opportunity for input on conceptual draft alternatives in 2011, a 60-day public review period of the Plan and Environmental Assessment in 2012, use of social media to better reach a geographically dispersed audience, public open house meetings, public presentations in response to invitations from local interest groups, formal invitation to 4 counties and two state agencies to be cooperating agencies with the eventual inclusion of three counties as cooperating agencies, and substantial involvement with the Timbisha Shoshone Tribe. Such levels of public involvement were crucial to the planning process and dialogue will be continued with interested parties to refine design concepts for site specific implementation; however, suggestions to form future advisory groups are not viable due to the limitations of the Federal Advisory Committee Act. Regarding visitor use data used to inform the planning process, all available data sources were used including a new study commissioned from the Park Studies Unit of the University of Idaho which used a standardized, peer-reviewed process to survey backcountry and wilderness users in the park (and did not include distribution of the survey at any visitor centers). The National Park Service acknowledges that there can always be more robust information regarding visitor use patterns, particularly in geographically dispersed areas such as Death Valley National Park's 3,320,000 acres of backcountry and wilderness. Thus the alternatives in the Plan, as well as the selected action, include various mechanisms by which such information could be consistently gathered to inform future planning processes. Where available, site specific details regarding visitor use and visitor related impacts to natural and cultural resources were taken into consideration in selecting sites for proposed management actions, though in many cases the detail for that analysis was not included in the plan in order to provide for protection of sensitive park resources.

## **TOPIC: LIMITATIONS**

Related Codes: AL160, AL158, AL157, IV188, IP105, IP121, IV187, AL209, AL219, AL225, AL226, AL5830

Concern: There were general comments offered that opposed any limitations on visitor use based on philosophical and political views about the role of government in the lives of American citizens. There were also comments generally opposing agency presence in the park's backcountry and wilderness locations, including opposition to the presence of agency personnel, vehicles, and signs. Some commenters specifically voiced concern that the majority of park visitors who are law abiding are being unduly punished by the need to address the unlawful behavior of a few. There were also specific concerns expressed about particular restrictions presented in the plan, including visitor use closures, group size limits for organized events, permit requirements, cabin use, and campfire use.

Representative Quotes:

Correspondence #109, Comment #300825

"If backcountry use is expected to remain unchanged why is there now a sudden need to change the policies that have been working since the creation of the monument. Again, there is nothing in the purpose and need statement that provides a compelling argument to change what has worked since 1933."

Correspondence #118, Comment #300840

"I am writing to encourage you to not restrict the use of the land in Death Valley. I have enjoyed the valley multiple times and would hate to see any new restrictions to it's use. I have run the Death Valley race twice and would not want to see it nor any other use of the Death Valley area restricted or canceled by new laws."

Correspondence #175, Comment #301737

"One of the things I love most about Death Valley National Park is its wildness. I realize that this Wilderness Plan is intended to protect that very quality that I love. However, without explanation for the proposed restrictions, it feels like the very opposite of wild. It feels bureaucratic."

Correspondence #248, Comment #301796

"Stewardship plans should always take into account an increase in tourist opportunities, rather than a decrease. The public is paying good money through the recently increased \$20 entrance fee to expect more and better opportunities to experience Death Valley National Park. Instead, what we are experiencing is decreasing opportunities, as entire areas such as the Keane Wonder Mine and surrounding area is placed off limits to public entry, historical vehicular access corridors are closed, and proposals to limit backcountry camping are introduced. Plenty of money is being spent building parking lots and other monuments to industrial tourism, while the folks who wish to experience the true essence of Death Valley, well off the beaten path, are finding our ability to enjoy our national park to be continually limited to a greater degree, thus driving us to places outside the boundaries of Death Valley National Park. I would hope that future proposals geared toward backcountry stewardship would take this into account."

Correspondence #377, Comment #301934

“The various Alternatives (other than the No Action alternative) will each bring an increased presence of government oversight in this region. And while I can agree there is a need for something to be done, I am unsure whether limiting the activities of the lawful and beneficial activities of interested personnel such as myself (including cabin maintenance and recurring, unscheduled, and non-permitted visitation) to resolve problems associated with the less-than-lawful, unscrupulous, and/or potential law-breaking public. This approach has been attempted on a wide variety of activities including drugs, firearms ownership, and even talking in the classroom, mostly with poor results or at least something less than success. These are the civil rights which Americans believe are being eroded with the increased government involvement in what formerly was considered day-to-day activity. Please do not limit the activities of those who come to the DVNP and environs for wilderness, solitude, scenery, photography, and other low-impact activities. I am not against increasing the enforcement of existing laws and regulations, or increasing the severity of any penalties currently in place for those. I do not believe a greater government presence will beneficially impact DVNP. Encourage or allow visitors to DVNP to police themselves by using provided guidelines, or perhaps by installing discreet new facilities (such as pit toilets) to target specific concerns as a first step.”

Response: Many of the use restrictions referred to in public comment, such as road closures and prohibitions on motorized access in wilderness, were established by federal law over which the National Park Service has no authority to change, but has a responsibility to administer and enforce. Within agency discretion, the action alternatives in the Plan do include clarification regarding some existing visitor use restrictions that were considered ambiguous by park visitors, imposes some new restrictions for the purpose of protecting park resources and/or desired visitor experience, and lessens or removes some restrictions that were determined to no longer be warranted. In some cases, visitor use restrictions are proposed to be phased in over time (e.g. the permit requirements) in order to lessen the impact on visitor use and experience and provide the agency the time necessary to develop effective and efficient administrative processes to support such actions. Some of the specific limitations were considered in light of public comment and have been modified as discussed in responses to other concern statements. As the agency has an affirmative responsibility for resource and visitor protection all restrictions in the selected action are determined to be justified and necessary.

### **TOPIC: PERMITS**

Related comments: AL143, AL144, AL172, AL173, AL206, AL 5130, IP150, IP152, IP153, IP154, IP155, CC1700

Concern: Some commenters opposed the concept of visitor permits for overnight use of wilderness, primitive backcountry campgrounds, Designated Roadside Camping Corridors, or backcountry cabins. Several of these commenters felt that a permit requirement detracted from the sense of



solitude and freedom that can be found in Death Valley's Wilderness and Backcountry areas. Others argued that the cost to the park was too high. Some commenters acknowledged that a permit system might be needed to protect visitor experience and park resources, while suggesting that the park implement the permit system seasonally or in high use areas only. Many commenters felt that making the permits available free and online was the only feasible way to implement this proposal. One commenter stressed the need for the permit system to be flexible and responsive to changing conditions, and suggested that broad visitor use information gathered from a permit system be shared with the public. Inyo County asked be included in the evaluation of the permit system's effectiveness.

#### Representative Quotes:

##### Correspondence #360, Comment #301976

"Wilderness is as much a physical place as it is a state of mind. The implementation of a permit system at DEVA unnecessarily impacts the freedom and options of backcountry/wilderness users and is also prohibitively expensive for the park to carry out due to the cost of collection."

##### Correspondence #395, Comment #302013

"I strongly oppose any overnight use permit system for all but the mostly highly used sites in the park. I oppose overnight use permits for locales such as Cottonwood Canyon/Marble Canyon, Telescope Peak, Surprise Canyon, the Butte Valley cabins, and the like. At high use sites, and where space permits, upgrading of primitive campgrounds would be preferable to instituting any kind of overnight use permit system."

##### Correspondence #409, Comment #302084 and #302085

"2. Permitting: While I inherently object to this process, I know that it is inevitable in high use areas where visitor experience and Park resources are at risk. With that said, please consider the following:

2a. Any future restrictions be applied to high use areas only, please keep the permitting process to an absolute minimum.

2b. Please keep the permitting system flexible and responsive to visitor feedback which arises during the process. Perhaps a feedback option can be added to the Internet site where people apply for the permits.

2c. Due to the fact that over use is an issue in some areas of the Park, and the permitting process is gathering information which can be utilized to examine that over use, I would like to see the Park share their lessons learned in regards to visitor use patterns. Even if in an elementary form to begin with, having such information available in a simple graphic format on the Internet page for permits and on the Park home page, it might make it easier for some visitors to select a time frame which avoids high use periods in the area they wish to visit. Such information could be geared and presented in an effort to increase visitor experience and lessen or eliminate resource damage by dispersing visitors over time.

2d. Not knowing the full extent and application of this permitting process as time goes on, I feel compelled to state the following:

The practice of required permits in wilderness areas defeats the full benefit of human interaction with that wilderness area. Adult age individuals who desire that ultimate solitude in nature should be granted that opportunity, thus avoiding time constraints and

the security afforded one through search and rescue efforts which would follow an itinerary divulged during the permitting process. To those who have never experienced the type of solitude afforded by true wilderness, not having a permit may seem an unnecessary risk, to those who have had the experience, risk is part of the equation. The majority will survive their experience just fine, and they will live to perhaps learn a sense of strength, self reliance, understanding of their place in nature, and connection to their Creator.”

Correspondence #188, Comment #301749

“As someone who has been visiting and enjoying the Eureka Dunes and other areas of the park for more than a decade I ask that you do not require permits for overnight use except where absolutely necessary. In the "off" season it doesn't seem like this should be necessary and greatly detracts from the feeling of wilderness and solitude that the park offers. I suggest permits only be required during times of the year when there have been existing problems.”

Correspondence #12, Comment #300490

“Unless there is a really easy online way to get the permits, I'm concerned that the lack of ranger stations at various entrances to popular backcountry areas will make people ignore the permits. For instance, if I'm going up into the Panamints via Wildrose Road or Surprise Canyon, I'd hate to have to add an extra 50+ miles round trip just to pick up a permit at Stovepipe Wells ranger station, if I'm coming from the west. Same goes for entrance to Saline Valley or Eureka Valley from the Big Pine road. By the same token, it's essential that the online permitting system not have a premium payment required, or it will likely be ignored.”

Correspondence #388, Comment #301933

“We understand that any permitting that is instituted will be evaluated for its effectiveness in meeting the Park's goals, and we therefore request that the County be included in this evaluation.”

Response: The NPS preferred alternative proposes a permit requirement for all overnight wilderness and some overnight backcountry use, including overnight use at backcountry cabins, in designated roadside camping corridors, at primitive campgrounds, and in wilderness areas. Permits would not be required for dispersed roadside camping, and permits would not be a reservation system. Use of all areas would still be on a first-come, first-served basis. The mandatory permits for all wilderness and some backcountry overnight use would be free for the first three years, and then the permit system would be evaluated to determine both its effectiveness as an educational and management tool, as well as whether a fee-based system is feasible should the permit process continue. A complete permit implementation strategy is outlined in Appendix F of the plan, and it includes provisions for online access to permits and a mechanism for evaluation that includes the park's Wilderness Committee, which would have close communication with Inyo County as requested. The permit system is designed to be flexible and responsive to changing conditions, to protect park resources, to aid in search and rescue operations, and to provide visitors with safety and resource protection information. With due consideration for the range of public comments on the proposed permit system, the NPS examined the potential impact of proposed

permits to wilderness character, to visitor use and experience, and to various park resources and found impacts consistent with those presented in the environmental assessment. The selected action will implement the permit system as described, which will include free permits for the first three years, online access to permits, and an evaluation process to ensure that the Park's overnight backcountry and wilderness permit system is flexible, effective, and responsive.

## **TOPIC: ROADS**

Related comments: AL194, AL196, CC1750, CC1770, IV110, IV111, IV115, IV119, IV120, IV121, IV122, IV126, IV127, IV136, IV140, IV181, TN110, VV120, VV125

Concern: Several commenters expressed interest in the backcountry roads. Some supported the continued maintenance of roads as proposed in the preferred alternative and further detailed in the Plan's Appendix N -Road Maintenance Standards, and many requested that the Park apply these standards to non-wilderness backcountry roads that had washed out in the past and had not been maintained. The Trail Canyon to Augereberry Point road segment was identified by several individuals as one potential non-wilderness road to examine in the context of the proposed road maintenance standards. Two commenters expressed concern about a provision of the road maintenance standards that proposes a criterion of feasibility for maintaining roads washed out by flooding events. Several commenters supported road stewardship activities that involve cooperation between the Park and four wheel drive clubs to maintain roads to rugged but passable conditions, while others suggested that the Park maintain its backcountry roads to a higher standard or else close them entirely to prevent resource damage. Inyo County urged the Park to work cooperatively with the county to maintain open roads as part of the cultural landscape. One commenter suggested that the Park de-designate wilderness to open old roads. One commenter sought clarification within the Plan about the current wilderness boundaries.

Representative Quotes:

Correspondence #253, Comment #301812

"I now see that it is also proposed that if a road is "washed out", and an engineer determines that such a road is "impractical" to reopen, the road will remain closed, without public comment. I oppose such action. The practicality of current motorized routes is entirely determined by the person driving it. What is practical for a short wheelbase Jeep is not practical for a Honda Civic. Oftentimes, a 4x4 route can be re-opened by merely allowing a 4x4 to drive it. Never has there been a time when Death Valley roads were practical for every motor vehicle. Stewardship plans should take into account the use of existing, and historical, motorized routes. If a route exists that has been historically used for motorized travel, that route should continue to exist, and always be open to future possible improvement. Signage indicating routes that are 4x4 only, as currently used, are desirable. Rather than allowing the possibility of closing more motorized routes in the future, stewardship plans should specifically state that current motorized corridors will be maintained as such for all time.

Along with that, such "temporary" closures as the Augerberry Point/Trail Canyon route should be lifted, and steps taken, to reopen such historical routes to motorized travel, thus taking the pressure off remaining routes. There is no excuse whatsoever for a "temporary" road closure that has lasted 40 years."

Correspondence #395, Comment #302019

"I support the continued maintenance and grading of unpaved roads that are currently maintained and graded by the park."

Correspondence #403, Comment #302094

"Road maintenance is better left as is most of the time. I primarily use backcountry routes when recreating in the Park and don't mind roads being in barely useable condition. That's what makes them fun and challenging. The one road I would really like to see reopened would be the Trail Canyon to Aguerberry Point road. This would make a trip from the west side of DV a through route when combined with the Warm Springs Valley/Goler route. As I and many of my friends live on the west side this would be a great two day trip. Combine this with a Echo Canyon to Amargosa Valley and back through Chloride Cliff would make an awesome multi-day trip through the DV backcountry. I know I could get a couple of four wheel drive clubs to help maintain this route. I would hope this road would be properly evaluated as per the stated procedure in Appendix N. I know it won't be easy, but the park has spent millions on the paved road groups, why not a bit on the off road guys? We don't want a graded trail, just passable to the listed Four Wheel Drive High Clearance Roads definition."

Correspondence #27, Comment #300661

"Roads and existing routes: I support leaving ALL existing routes open--even after they become severely damaged by weather, re-opening routes abandoned but not closed by the CDPA, and no or minimal maintenance to backcountry roads by NPS so that impact is limited and users have a true exploration/challenge experience. User maintained should be the norm for most routes... Explore talks with the California Congressional delegation to re-open some closed routes, such as Lemoigne Canyon 4WD trail to the mine. Rebuild the route/road that went from Trail Canyon to Augerberry Point, as it was not closed by the CDPA."

Correspondence #387, Comment #301986

"Our main concern is with the proposals for management of unpaved roads into or through Wilderness Areas. Because of the lack of water resources in Death Valley National Park there is little long distance backpacking and even less horsepacking, thus the location and condition of roads pretty much define the extent of human presence and activities in Wilderness and Backcountry areas. Section 2.3, Appendix N describes how four-wheel drive high clearance roads will be repaired if causing vehicles to become stuck and Section 4.0, appendix N describes the criteria for re-establishment of roads severely damaged by acts of nature, but nowhere is there discussion of simple acts of preventative maintenance that can keep roads passable with minimum expense. The action which damages and destroys roads is flowing water. Except where roads are in the bottom of an active wash, simple diversion of water off of road surfaces will preserve dirt roads for decades. The majority of the dirt roads in Death Valley National Park were passable by 2-wheel drive automobiles in the past

but have been turned into 4-wheel drive high clearance roads by flowing water with no flow path other than down the road. While we realize that much damage has already occurred to many previously decent roads it is not too late to create drains to save the good sections of roads that still remain in decent shape. When roads deteriorate to the point where people are pushing their vehicles to the max to negotiate a road, then there is a significant chance of punctured crankcases with attendant oil spills and resource damage. It is our opinion that roads should either be maintained so as to reasonably avoid undue damage to vehicles and resources or they should be closed to vehicle travel.”

Correspondence #388, Comment #301944

“The Plan includes criteria for closing backcountry roads due to damage based on engineering and cost concerns. We recognize that isolated backcountry roads in the Park may be difficult to repair in the event of extreme damage, but these roads are part of the Park’s cultural landscape and may have important socioeconomic meaning to the County. Therefore, we request that you coordinate with the County regarding any such closures, and we will work with you to identify funding and resources to repair the roads.”

Correspondence #419, Comment #302105

“...The Draft makes no mention of the road corridor width or distance of wilderness from the road centerline. This is an open invitation, perhaps intentional by the NPS, for some to drive into wilderness so as not to interfere with habitual use patterns that predate wilderness designation. We hope not. Please clarify.

The California Desert Protection Act of 1994 (CDPA) «P.L. 103-433) established wilderness in three areas of the national park system (Death Valley, Joshua Tree and Mojave). The law itself is silent about road corridor widths. However, section 601 of the statute refers to maps numbered one through twenty-three and dated October 1993 as the basis for wilderness boundaries in Death Valley. Map Number I contains a handwritten entry in the margin that details road corridor widths as follows:

‘Wilderness boundaries are to be interpreted as 50 feet from the centerline of unpaved roads, and 200 feet from paved roads, except Rt. 6 - Mud Canyon to Beatty Road, Rt. 8 - Wildrose Canyon Road, Rt. 30 - Dante’s View Road in lower portion in wash, and Rt. 35 - Mahogany Flat Rd from Rt. 8 to Charcoal Kilns are 500 feet from the centerline on either side.’

These road corridors are quite narrow. If anything in our analysis misstates the California Desert Protection Act, please explain. If the NPS has adopted road corridor widths that differ from those specified in the maps that are cited by the CDPA, please explain.”

Response: The Errata accompanying the Finding of No Significant Impact for this project corrects and clarifies the amount of backcountry road proposed to be minimally maintained in the preferred alternative as 590 miles and the amount of road proposed to be maintained to one of the Park’s higher standards as 410 miles. This combination of road maintenance conditions across approximately 1,000 miles of open backcountry roads in Death Valley National Park balances visitor use considerations including access and opportunities for self-sufficient and self-directed

recreation with resource protection concerns such as the documented increase in exotic plant invasions along graded or more highly maintained backcountry road corridors. The Errata also clarifies that the proposed Road Maintenance Standards—including the process for evaluating and re-establishing roads severely damaged by acts of nature—is intended to apply to previously washed out roads in non-wilderness areas to include the Auguereberry Point to Trail Canyon route, as well as roads impacted by future flooding or other acts of nature. The selected action adopts the Road Maintenance Standards and the clarified mileages for these maintenance standards. The selected action also encourages volunteer stewardship activities and partnerships, particularly regarding roads, to engage individuals and groups. The National Park Service does not have the authority to de-designate wilderness or otherwise contradict the Wilderness Act which states in section 2.4(c) that there shall be no road or use of motor vehicle. For most park backcountry roads, the wilderness boundary was established by the California Desert Protection Act at 50 feet from the centerline of a given backcountry road. The Plan and environmental assessment does not use maps to delineate every wilderness boundary in the 3,220,000 acre planning area, because such an attempt would be unfeasible in a physically published public planning document. However, the NPS presented online interactive maps concurrent with the public review of both the draft alternatives in 2010 and the environmental assessment in 2012, and these maps displayed the park's wilderness boundaries to all interested parties.

## **TOPIC: CABINS**

Related comments: AL156, AL197, AL201, AL202, AL203, AL204, AL205, AL206, AL208, VH120

Concern: Many commenters expressed their sense of value in backcountry cabins as a portal to another time, and they believe that some cabin regulations proposed in the preferred alternative could impact those values or the historic integrity of the backcountry cabin experience in Death Valley. Several commenters opposed a ban on fires inside cabins and instead supported improvements to fireplaces and stoves in cabins. There was some opposition to permit requirements for overnight use of backcountry cabins. In addition, commenters expressed strong opposition to a proposal to convert the Butte Valley cabins and Warm Springs Camp to administrative use for part of the year. Some commenters approved of the Plan's Cabin Stewardship Strategy, while one person suggested that if the public and the Park worked to rebuild cabins that had previously burned, they would be in conformance with historic practice. A few commenters expressed opposition to a proposal for sanitary facilities at Warm Springs Camp or Butte Valley cabins, as they believe it would harm the historic integrity of these sites.

Representative Quotes:

Correspondence #248, Comment #301789 and #301790

"The usage of backcountry cabins by the general public is a unique feature to a visit to the Death Valley area. My first visits to backcountry cabins were a welcome surprise, not always planning to spend a lot of time there, it was nice to run across these throwbacks to an

earlier age. Since that time, I have spent many nights in remote cabins in the area. Many times, spending the night in a cabin is entirely spontaneous, based upon the travels and exploration of the day, the routes taken, and the time allotted to each. Though the general period of time I spend in the area is planned well in advance, the actual daily activities are not. And I believe that to be the case for most backcountry travelers. Part of the "Death Valley" experience for me is to NOT have to plan any particular journey, the time utilized, etc. Day to day brings an adventure based upon which road I decide to take that day. For this reason, I believe that any form of reservation system for backcountry cabin usage is inappropriate, and contrary to the purpose of a visit to the Death Valley area. There should be NO reservation system put into place for Russell's Camp, Stella's, Geologists Cabin, or the Warm Springs Camp.

Furthermore, cabin usage for me, and many folks who have traveled with me, is also a way to experience the Death Valley backcountry in a way it was experienced by many of the original residents of the area. To be able to experience Russell's Camp in a way Asa Russell experienced it MEANS something to us. For this reason, I also oppose restrictions upon the use of wood stoves, or restricting cooking inside cabins.

I believe that such restrictions are an over-reaction to the unfortunate burning of the Barker Ranch Cabin a couple of years ago. Such occurrences, sad as they are, thankfully, are rare. It is my understanding that many volunteers came forward with the idea of rebuilding the Barker Ranch "main house", and that such plans were rebuffed by the National Park Service. Frankly, just as would have been done decades ago, if a building WAS burned through unfortunate circumstances, whether natural or man caused, people WOULD rebuild. Allowing people to rebuild the places they love on public lands is a preferable alternative to permanent destruction, and I would rather see a plan put in place that allows for that, than to see the ability to utilize cabins as they have been historically curtailed due to one set of circumstances."

Correspondence #395, Comment #302032

"I strongly oppose prohibiting fires in backcountry cabins as outlined in the sixth bullet point in Section 2.3.5 Backcountry Facilities. Unless they present a clear and incontrovertible hazard that cannot be readily remedied, I strongly support the continued use of existing, time-proven wood stoves in backcountry cabins. Such use would be at the visitor's own risk, in keeping with the general use-at-your-risk policy currently in existence."

Correspondence #403, Comment #302095

"I like the Cabin Stewardship Strategy plan. I think it needs a little more definition on duties. This is something I would be interested in. I have taken the initial CASS Site Stewardship training and will take the advanced course that is supposed to be offered sometime next year. The plan explains some present groups have taken "ownership" duties of some of these cabins and that mirrors what I've seen on the ground. There will probably be some resistance to the NPS taking over the monitoring of these properties."

Correspondence #414, Comment #302072 and #302073

"We oppose any overnight use permit system for the Butte Valley cabins (or any other cabins within Death Valley boundaries). We believe the first-come, first-served system has

worked well for many years, and an overnight permit system would be unduly burdensome to the visiting public and would negatively impact visitors' outdoor experience. We strongly oppose the removal of existing toilet facilities, and the installation of modern toilet facilities, including low maintenance toilets and/or temporary portable restrooms in the backcountry exploration zone, including in the Warm Springs area, the other cabins in Butte Valley, or indeed at any cabin within Death Valley boundaries. The only type of toilet facility we would support being installed anywhere in the backcountry is a wooden outhouse built to duplicate, as practicably as possible, the historic outhouses built during the Gold Rush period. These outhouses would be made of wood and metal nails and/or screws only, and would have a waste depository that is removable for cleaning.”

Correspondence #248, Comment #301793

“I am also 100% completely opposed to the use of the Warm Springs Camp as a permanent residential camp for "artists" and researchers. I have no problem with artists and researchers having the ability to utilize backcountry cabins to support their interests, but they should have no special preferential status above the general public at existing public use cabins...

I have no issue with NPS building a facility for specific purposes in the area, but Warm Springs Camp should remain open to the public at all times, for public use, same as any other cabin complex that has been placed in the public trust. No reservations or special permission required.”

Response: The Plan’s preferred alternative proposed several management changes regarding cabins, including permits for overnight use. The permits would be available free and online, and would not serve as a reservation system, but as a way to disseminate information related to cabin use, visitor safety, and resource protection. Cabins would continue to be available on a first-come, first-served basis. Another proposed regulation was a ban on fires within cabins. This management action was proposed because fires inside cabins have led to the destruction of historic structures both within the Park and in surrounding areas. The park’s planning team weighed its responsibilities under the National Historic Preservation Act with its mandate under the Organic Act to provide for the enjoyment of park resources unimpaired for present and future generations, and determined that the ban on fires inside cabins was both necessary and warranted for the protection of historic resources. The Plan’s provision for campfire rings outside cabins was designed partially as mitigation for the impacts to visitor use from this proposal. In addition, the preferred alternative proposed seasonal administrative use of certain backcountry cabins. This proposal for seasonal administrative use of Warm Springs Camp and the Butte Valley cabins would not be implemented until the completion of extensive rehabilitation efforts. Any and all rehabilitation efforts, including proposed restroom upgrades or reconstruction, would need to be accomplished in consultation with the State Historic Preservation Officer and in conformance with historic resource preservation laws, as outlined in the Plan. These planning steps would ensure that the design and implementation of any proposed rehabilitation in or near cabins does not detract from the historic character of the structure or landscape. The proposals for potential administrative use of cabins are many years from being realized, but are entirely consistent with



NPS policy which encourages the adaptive re-use of historic structures to meet park needs. Until that time, the Plan clearly states that these cabins would continue to be used by the public on a first-come, first-served basis. Based on public comment, the park's planning team examined the impacts of the preferred alternative to cultural resources and visitor use and found those impacts consistent with the analysis in the environmental assessment. The selected action adopts these management prescriptions for Death Valley's backcountry cabins, including the implementation of the Cabin Stewardship Strategy outlined in Appendix K of the Plan.

## **TOPIC: CAMPING**

Related comments: AL161, AL165, AL166, AL168, AL5720, AL5730, AL5740, IV178, IV180, IV182

Concern: Some commenters expressed opposition to the preferred alternative's proposal for designated roadside camping corridors, arguing that there is a lack of current need and there is also a potential for environmental degradation when concentrating camping in designated sites. Some commenters suggested that if designated roadside corridors are needed for resource protection, then the Park should make the sites available through a reservation system. One conservation organization supported the preferred alternative's proposal for designated roadside camping corridors. One commenter expressed that dispersed roadside camping can serve as a benefit to visitors with disabilities, and urged the continuance of dispersed roadside camping in Death Valley's backcountry. Some commenters expressed a value for camping opportunities near Eureka Dunes, both in a primitive campground and in dispersed roadside camping.

Representative Quotes:

Correspondence #109, Comment #300818

"The creation of designated camping corridors is not justified by the purpose and need statement or by the scoping comments. The creation of designated camping corridors is a solution in search of a problem. The estimated use by dispersed campers in the park is 900 to 1600 groups per year. (see page 125) Dividing these numbers by 365 gives 3 to 5 groups per night on the average for the whole park! This doesn't seem like much use. It hardly seems like a problem needing a solution. Since the Park Service doesn't anticipate significant increases in future use it is hard to see any justification for creating these camping corridors."

Correspondence #402, Comment #302042 and #302043

"If roadside camping along the Hole in the Wall Road is restricted to 3-6 designated sites, with no reservable group site, there is a very good chance we would drive up the road with our group and not find a legal place to camp. The whole idea of our trips is to introduce our trip participants to what is often times their first backcountry camping and hiking experience.

I understand the need to protect the unique natural resources and experiences that can be found only in Death Valley. I hope we can continue to introduce people to these unique

places and experiences. The whole point of our trips is to let people experience backcountry solitude. If we are forced out of the backcountry due to limited camping and no reservable group site, which is likely during the popular spring camping season, we would end up in a constructed campsite on the valley floor, the antithesis of our mission statement. “

Correspondence #57, Comment #300752 and #300753

“Why would dispersed camping be disallowed in Echo, Hole and Cottonwood Roads? What is the problem that designated camping would fix? Where is the data that demonstrates these problems? Is the problem that in these areas there are issues with sanitation? I can certainly understand that this might be the case. If so, can't the problem be more simply remedied by requiring people to have backcountry permits and to carry out their own waste? MANY other national parks have this requirement -even some that don't have the same problem with the rate of decay of waste that the desert environment of DVNP has. Perhaps it is believed that this would be hard to enforce. Other areas check for toilet systems in various ways that aren't complicated and that work. A "Volunteer Corps" who sweep the backcountry and report possible offenders to law enforcement could aid in creating a culture of compliance.

Is the problem that too many vehicles drive too far off road to camp? This could be handled by enforcement of currently existing regulations and with an educational program. A corps of volunteers who sweep the backcountry could aid in creating compliance by making a presence and helping to educate the public about what is permissible and what is not, and why. Designated campgrounds would create conflict and environmental degradation that dispersed camping avoids.”

Correspondence #415, Comment #302111

“Other items that Friends of the Inyo supports in the Plan include: Designated roadside camping corridors as outlined in the preferred alternative...”

Correspondence #6, Comment #298822

“I am specifically commenting about the possibility of limiting or reducing access for backcountry vehicle camping. It is very important to me and others with respiratory disabilities because it allows camping away from campgrounds with myriad campfires. The acrid smoke has forced me to leave campgrounds in the middle of the night to continue to breathe. Dispersed vehicle camping allows old folks like me with respiratory disabilities to camp far from campfires. Reducing or limiting access to such camping would violate other requirements of federal law for providing disabled access.

Dispersed camping is a simple solution to this access that avoids interfering with the tradition of campfires enjoyed by other campers. I urge you to support dispersed camping for this reason and for the reasons of solitude, quiet, and wildness available to dispersed campers. Dispersed camping is of paramount importance to me as an asthmatic person and seems to be regarded as a nuisance to be eliminated in the new forest plans and other land management plans.”

Correspondence #340, Comment #301890

"I have been camping at Eureka Dunes for almost 20 years. It's an ideal place for low-key group camping trips. I strongly support a plan that allows for continued access for camping at the Dunes."

Correspondence #186, Comment #300572

"Death Valley is one of the last national parks in the west that permits dispersed camping. It is a privilege and a joy that such a rare thing exists. I make use of it often, travelling from san francisco to death valley a few times each year to enjoy this rare wilderness experience without the need to cram in with other campers and loud RVs in a crowded, noisy campsite. Eureka dunes is one of my favorite spots for this, especially as around the backside RVs cannot safely travel.

The thought of restricting camping at eureka dunes fills me with sadness. I have camped there yearly for the last 15 years, and seen more and more restrictions... But I have never seen any problems with campers in all my years of camping there.

I strongly hope the park service doesn't keep on the slippery slope of restricting backcountry car-camping in our national park, and especially not at eureka dunes."

Response: The Plan's preferred alternative proposes to maintain the opportunity for dispersed roadside camping in Death Valley National Park along 695 miles of backcountry roads, providing diverse opportunities for those who seek solitude or wish to be away from developed campgrounds because of noise, smoke, or other reasons. During internal scoping and Plan development, a limited number of park backcountry roads were recognized as areas where there were heightened levels of impact to park resources (including sensitive cultural resources and endangered species) from peak visitor use. The proposal for designated roadside camping corridors is a strategy to manage those impacts in specific areas while still accommodating public interest in roadside camping. In the preferred alternative that is articulated as a total of 55 miles of backcountry road designated as a roadside camping corridor, along Echo Canyon Road, Hole in the Wall Road, Greenwater Valley Road, and Marble Canyon-Cottonwood Canyon Roads. Based on careful consideration of public input, the planning team has-- as part of its selected action-- planned a phased implementation for the designated roadside camping corridors. One road will be selected for pilot implementation, and the Park will continue the dialogue with interested parties during the design phase. The effectiveness of the designated roadside camping corridor in protecting park resources and facilitating visitor use and enjoyment will be evaluated by park staff, and will inform the potential for implementation of designated roadside camping corridors along the other selected roads. The selected action will maintain the opportunity for dispersed camping along 695 miles of backcountry roads. It will also add a primitive group campground and restroom at Eureka Dunes, and will not provide for any additional camping restrictions beyond the current restrictions in that portion of the Park to protect endangered plant species.

## **TOPIC: WASTE**

Related Codes: AL184, AL208, IP136, AL185, AL207, AL183

Concern: Public comments generally supported the continued use of pit toilets at cabin sites, supported the upgrade to or placement of toilets at certain high use areas (such as trailheads and primitive campgrounds), and there was both support for and opposition to pack-out strategies along certain high use trails. Those who supported the various waste management strategies generally did so on the grounds that it improved the sanitation for other visitors. Those who opposed such strategies generally cited aesthetic reasons, such as the unpleasant sight and smell of toilets and the potential for contact with fecal material in packing out waste. Some commenters specifically voiced concern that any changes to the existing vault toilets at cabins would alter the visual integrity of the site.

Representative Quotes:

Correspondence #395, Comment #302017

"I support the installation of low maintenance toilets at popular frontcountry sites; and I conservatively support the installation of low maintenance toilets at popular backcountry corridor destinations. I strongly oppose the installation of any modern toilet facilities, including low maintenance toilets and/or temporary portable restrooms in the backcountry exploration zone or at wild zone trailheads, including at the Warm Springs area or any of the other cabins in Butte Valley. The only type of toilet facility I would support being installed anywhere in the backcountry is a wooden outhouse built to duplicate, as practicably as possible, the historic outhouses built during the Gold Rush period. These outhouses would be made of wood and metal nails and/or screws only, and would have a waste depository that is removable for cleaning."

Correspondence #175, Comment #301735

"In general, I think adding vault toilets to sites such as the Homestake Camp (which has a gross "toilet" dug in dirt) and trailheads is a great idea. It will reduce impact in those areas."

Response: The production of human waste is a biological imperative and its improper disposal in areas of concentrated use at Death Valley has long been a source of concern and disgust for park visitors and park staff who periodically go "pick the toilet paper flowers" out of the desert around places like Mosaic Canyon and Ubehebe Crater. Improper disposal of human waste at Ubehebe and certain other locations is also an offense to the Timbisha Shoshone as such places have spiritual significance to them. These problems are further exacerbated by the relatively slow decay process in the desert, which also makes the traditional approach of "digging catholes" less effective as a means of disposal because the soil is often too hard to dig to adequate depth and the lack of organics in the soil means there are fewer microbial organisms to break down waste. In a few locations, such as Cottonwood Canyon, improper disposal of human waste also poses a risk to the park's scarce water resources and a risk to human health for visitors who also depend on those sources for drinking water. For these reasons the preferred alternative proposed to address non-functional or inappropriately sited toilets in places where they currently exists, adds primitive

toilets in a few non-wilderness locations where use is consistently high and improper disposal is a persistent problem, and implements a pack-out strategy for the road and trail segments of the Cottonwood-Marble Loop which sees concentrated use and has sensitive water resources. In consideration of the public comments and an evaluation of these conditions, these strategies are determined to still be the most appropriate and effective means to address the improper disposal of human waste and thus they are included in the selected action. Any and all proposed restroom upgrades will need to be accomplished in consultation with the State Historic Preservation Officer and in conformance with historic resource preservation laws, as outlined in the Plan. These planning steps will ensure that the design and implementation of any proposed restroom upgrades or installations do not adversely affect historic or cultural resources.

## **TOPIC: EDUCATION**

Related Codes: AL190, IV165

Concern: There was general support for the adoption of Leave No Trace and Tread Lightly! as the basis for visitor use education at Death Valley National Park. This support included the application of these principles for outdoor ethics to general park visitors, as well as special interest groups such as canyoneers and commercial tour groups. There was also specific support for the Wilderness and Backcountry Education Strategy included in Appendix I. There was some disagreement about the best methods for delivery of educational messages, with some commenters supporting more ranger presence in the backcountry and others who advocated remote delivery methods and less agency presence in the backcountry. There was both support for and opposition to the use of a permit system as a mechanism to deliver educational messages and confirm their receipt.

Representative Quotes:

Correspondence #9, Comment #298828

“Besides being one of the nation's largest national parks, it is a very special and misunderstood place to most visitors. These Stewardship improvements can only help further public education and experiences in Death Valley, and bring the park more "alive" to visitors as they learn about its history, people (old timers, miners, Shoshone, etc.)”

Correspondence #177, Comment #300589

“Obviously, Leave No Trace ethics are essential. In my experience, the canyoneering websites I use encourage this and experienced canyoneers, policed by their friends, adhere to this. I would like to see this remain on an honor system. Rules about no-bolting are good. But the support of the serious canyoneering community is essential to make this happen.”

Correspondence #387, Comment #301989

“Lastly, we suggest that the Park Service consider promoting a "land ethic" or "Park ethic" for all users, but particularly users of the backcountry and Wilderness areas. The essence of such an "ethic" is that the Park belongs to all of us and it is our responsibility both individually and collectively to maintain it in as near to natural condition as possible for

future generations. In terms of actual behavior proscriptions the "Leave No Trace" principles are a good place to start."

Correspondence #415, Comment #302112

"[We support the] Wilderness and Backcountry Education Strategy as described in Appendix I; and it's hoped that there is a focus on it's implementation as outlined in the Timeline table on p. 298."

Correspondence #395, Comment #302031

"I support the limiting of commercially guided tour groups throughout the park to no more than 10 participants. I support the mandate that commercially guided tour groups have a special use permit, which should be free of charge, and which mandates strict adherence to Leave No Trace and Tread Lightly ethics."

Response: Consistent messaging is an important tool for changing visitor behavior. While many park visitors already practice Leave No Trace and Tread Lightly!, the park hasn't consistently incorporated those messages into its delivery systems. In addition, there are many new delivery systems that haven't been effectively utilized at reaching park visitors. The implementation of a permit system provides a means to specifically deliver an educational message to a park visitor and confirm its receipt, where existing delivery systems rely on one-way communication, and routinely violators say they didn't know the rules or what was expected of them. Thus the selected action includes the formal adoption of those messages and uses a variety of delivery systems, including a permitting process, to reach target audiences as identified in the Wilderness and Backcountry Education Strategy.

## **TOPIC: INFORMATION**

Related Codes: IV170, AL153, IV196, IV197

Concern: Several commenters expressed support for improved web-based access to park regulations, current conditions, and other information useful to trip planning. There was specific interest from the canyoneering community in providing more comprehensive information on the park's website, and allowing other websites to link to it, as an alternative to permit requirements. There was general support for the provision of safety and wayfinding information in high use areas, such as trailheads. There was general support for the posting of specific safety warnings at cabins tempered with concern that signs be discrete and sited appropriately so as not to detract from the rustic character of the sites. There was both support and opposition to the provision of safety and/or wayfinding signs along backcountry roads with more tolerance for safety signage for extreme hazards than for wayfinding aids and generally more support for both safety and wayfinding signs in the backcountry corridor zone than in the backcountry exploration zone.

Representative Quotes:

Correspondence #251, Comment #300963

“The park should put educational information and rules up on its web site. Those of us who are putting up Death Valley related canyoneering web pages on the Internet can then provide links to these park web pages. This will help educate those who wish to canyoneer within the park and will make it clear what the park rules are with respect to canyoneering.”

Correspondence #9, Comment #298827

“I envision some of these future plans to be similar to the recent improvements made at Mesquite Sand Dunes area, where a plentiful parking area was created for public safety and access to the dunes, as well as a nice restroom facility and informative plaques/signs. Improvements like these help to educate the public as to the desert being fragile and why we must protect it. Otherwise, people just drive around the park, wherever they want with no regard to the environment, safety, etc.”

Correspondence #414, Comment #302076

“We support the installation of discreet signs in cabins and other applicable areas warning of the dangers of hanta virus, mine shafts, etc.”

Correspondence #395, Comment #302020

“I support the installation of a minimal number of signs in the backcountry exploration zone that indicate dangerous road conditions.”

Correspondence #395, Comment #302021

“I do not support the installation of signs in the backcountry exploration zone that indicate road designations and/or directions, except those of a very rustic nature that are currently in place.”

Response: The Park website currently includes general trip planning information and efforts are currently underway to improve the quality and specificity of information provided on the website and through social media with an increased emphasis on visitor safety and resource protection. This new emphasis on web-based access to information is supported by the increasing use of the internet for trip planning purposes and to provide real time information to visitors who seek it through the cellular phone coverage and wireless internet connectivity that is increasingly available in the park and around the world. Such efforts are augmented by the recent opening of the park’s remodeled Furnace Creek Visitor Center and exhibits. Based on public comment, the park’s planning team examined the impacts of the preferred alternative to visitor use and found those impacts consistent with the analysis in the environmental assessment. The selected action includes installation of a minimal number of new information signs at trailheads, improves or replaces existing safety warning signs at cabins and other hazardous sites, and includes wayfinding signs on backcountry corridor roads. Such signs will be oriented in such a way that through travelers on corridor roads will be able to follow the signed road, but the intersecting backcountry exploration roads will generally not be signed for wayfinding, thus promoting a continued sense of discovery

and adventure for those who seek it. As signs are installations prohibited by the Wilderness Act, they are generally not installed in wilderness unless determined to be the minimum necessary for the administration of the area as wilderness.

## **TOPIC: CAMPFIRES**

Related Codes: IV192, AL163, AL164, AL215, AL216, AL217, IV193, IV194, (AL201 addressed in Cabins topic)

Concern: There were some comments expressing either opposition to or misunderstanding about existing campfire restrictions. There was general support for the NPS concern regarding firewood as vectors for the import of forest pests and pathogens, but some commenters expressed concerns about the practicality of acquiring pest-free wood for campfire fuel. A few commenters expressed an interest in modifying the preferred alternative to include the use of charcoal fires in fire pans and/or self-contained barbecue grills. There were also some comments that expressed a misunderstanding about where camp stoves could be used.

Representative Quotes:

Correspondence #1, Comment #298805

“I have spent nearly two decades exploring the back country of Death Valley long before you made it a Park and a chessboard of inaccessible Wilderness areas. You have already limited my nature experience significantly by closing roads, limiting the number of vehicles and no longer allowing campfires.”

Correspondence #409, Comment #302083

“Since reading the section about firewood which is free of insects and such I have examined bundles of firewood which are commercially available in the area where I live. None of them specify that they have been treated in any manner to prevent such contamination. In researching the issue on the internet I found a few sources of information regarding the subject. In all, the most repeated information found relates to the concept of burning wood within fifty (50) miles of where it was cut. This might present a challenge for visitors coming from non-forested desert regions surrounding Death Valley. I also found cautions about chemical spraying of firewood for pest control as such an act would release pesticides into the atmosphere possibly creating health and environmental hazards when the wood is burned. Kiln dried firewood seemed to be the best option I saw, but I could not find a source in the city where I live.

This is an area where I feel the Park Service is going to have to make an outreach to suppliers of firewood inside and outside the Park if they have not already. As you know, many visitors drive from hundreds of miles away from the Park often bringing supplies such as firewood with them. To make this effort a success, an outreach action for both suppliers and visitors will need to take place. We need more information and sources for this wood.



I would also like to suggest that if there are not geographically wide ranging sources for hundreds of miles around the Park for this type of firewood that a grace period for this requirement be instituted until the time comes that suppliers can meet the needs.”

Correspondence #387, Comment #301988

“The sentence in section 2.5.5, bullet # 7 that states "All fuelwood imported to the park would be subject to pest control regulations." is vague not especially helpful to people bringing firewood from home. To be truly "pest free" firewood would need to be sterilized either thermally or chemically. Many of the worst pests are fungi or insects which may not be detected by simple visual inspection.”

Correspondence #389, Comment #302003

“Fires should be allowed along roads in NPS established pits and fire pan/barbecues using non-infested wood supplied by the visitor during winter months. No fires should be allowed off road.”

Response: Campfires were a topic discussed in considerable detail in the planning process, with the recognition that the campfire is for many visitors a quintessential part of their camping experience. But campfires in the desert and desert woodlands are a particularly difficult use to accommodate because there is generally sparse fuelwood available for gathering on site and what exists is important for habitat and soil nutrient cycling in poor desert soils, the import of firewood poses a risk for introducing new pests and pathogens, improperly tended and/or extinguished campfires pose a threat of wildland fire in an ecosystem that is dominated by species that are largely fire intolerant, and alternatives to campfires (fire pans, charcoal barbeques) are frequently used improperly in wildland settings. Based on public comment, the park’s planning team examined the impacts of the preferred alternative to visitor use and park resources and found those impacts consistent with the analysis in the environmental assessment. With due consideration for the comments submitted, these aspects of the park’s preferred alternative remain unchanged in the selected action: no campfires allowed in wilderness, wood campfires allowed only in NPS provided fire rings at specific locations, no on-site fuelwood collection, no firepans or charcoal grills. The selected action clarifies that all imported fuelwood must be either certified pest-free or else non-native wood of local source (e.g. saltcedar), and there are already sources available for both in the park. The selected action is also clarified to state that controlled gas fires are allowed in devices designed for that purpose (e.g. camp stoves) in both backcountry and wilderness settings.

## **TOPIC: FEES**

Related comments: AL171, AL174

Concern: A few commenters specifically opposed the potential for fees being levied for backcountry use under the preferred alternative, and one wondered if there would be another opportunity for input regarding potential fees.

Correspondence #175, Comment #301736

“Why would a fee be charged for roadside camping if no amenities are provided? Would the fees benefit the camping experience, or would they just cover the cost of collecting the fees? Similarly, the document lists the possibility of charging for all types of permits, including day-use canyoneering. Why? What would be the reason? I don't expect that enough fees would be collected to pay for any significant amount of work to benefit park users. Would there be a separate public comment period if a fee is proposed in a couple of years?”

Correspondence #389, Comment #302000

“Under no conditions should there be a FEE required for backcountry use. Backpacking and hiking should always be free, don't make me a criminal. If you want to charge a park entrance fee, fine.”

Response: The selected action includes a backcountry permit implementation strategy wherein permits will be free for the first three years, and then the permit system will be evaluated to determine its effectiveness and whether or not fees would be charged for permits. At that time, if the Park determines that fees could be warranted, there would be another opportunity for public input, as outlined in the Plan.

## **TOPIC: SUMMIT REGISTERS AND GEOCACHING**

Related comments: AL133, AL134

Concern: One commenter supported the Plan's provision for maintaining peak registers on 50 peaks identified in guidebooks and removing others to protect wilderness character. This commenter also suggested the Plan prohibit geocaching. One commenter opposed the removal of any peak registers in wilderness on the basis of their potential use in search and rescue operations.

Representative Quotes:

Correspondence #378, Comment #301983

“Comments on Wilderness Peak Registers -This sounds like basically good policy and respects the prior use of the peaks before becoming Wilderness. What this does not say, but is implied is that there will be no other new or expanded register containers and NO Geo Caching. Geo Caching is most likely addressed somewhere else in the Plan, since it often occurs in places other than on peaks. If not, then perhaps it needs to be? I don't see a place for Geo Caching in Wilderness as it was not a prior use.”

Correspondence #360, Comment #301977

“The preferred alternative also states the search and rescue benefits of having summit registers but then restricts the number of summit registers allowed. I believe that that the existence of small summit registers in no way impacts the resources or Wilderness character, however removing them will have an impact of potential Search and Rescue operations. Leave the registers in place as they are now.”

Response: The selected action will balance wilderness character impacts with pre-existing and in some cases historic visitor use activities by maintaining peak registers on 50 peaks specifically named in reference sources. The selected action includes a plan for archiving full peak registers and replacing in kind, and it specifically prohibits geocaching, in conformance with NPS policy. Traditionally visited peaks as outlined in Appendix R will maintain their trail registers, and the Plan will specifically prohibit new installations in wilderness.

## **TOPIC: WILDERNESS ACT**

Related Comments: IP103, IP108, IP121, WA100, WA110, WA120, WA130, WA140

Concern: There were several comments related to the Wilderness Act, wilderness designation, and the application of the law within the Plan. Two commenting organizations (in a single, shared correspondence) had concerns about the Mormon Peak microwave transmitter, its status as a commercial facility in wilderness, and the term of its right-of-way. This same correspondence pointed out that the Timbisha Shoshone Homeland Act does not provide an exemption from the Wilderness Act, and Native American activities outlined in the Plan should be consistent with the Wilderness Act. The same correspondence asserted that research in wilderness and guzzlers in wilderness can only be excepted from Wilderness Act 4(c) prohibitions as necessary to meet minimum requirements for administration of the wilderness area. Other commenters had concerns that the Plan might expand wilderness designations, and objected to any expansion of the Wilderness Act through the content of the Plan.

Representative Quotes:

Correspondence #419, Comment #302103

“The Draft discusses the communications facility on Mormon Peak. The tower lies within designated wilderness. The facility is both a commercial service and a permanent structure, albeit one that serves NPS' own communication needs. The NPS may apply the minimum requirement necessary exception to a permanent structure but never to a commercial enterprise. Nor, to our knowledge, is the right-of-way upon which the tower sits an "existing private right.”

Under the most generous interpretation of the 1982 Bureau of Land Management-issued right-of-way, the right expired on May 26, 2012, several months ago. The Draft asserts that the right-of-way still exists. The Draft fails to explain the simple facts. We would be very disturbed if the NPS may have issued a new right-of-way, for a commercial service and structure, within designated wilderness. This would be a first in the history of national park system wilderness.”

Correspondence #419, Comment #302104

“This section speaks of Native American rights both here [section 1.4.10] and at sections 3.2.3, 3.2.6 and 3.9.7. In particular, these sections refer to motor vehicle access and conduct of "low impact ecologically sustainable traditional practices" within wilderness. The latter

term nowhere appears in any statute conferring rights upon the Timbisha. The rights and privileges granted to the Timbisha Shoshone by the Timbisha Homeland Act of 2000 do not trump the Wilderness Act prohibitions. Neither the California Desert Protection Act of 1994 (CDPA) nor the Timbisha Shoshone Homeland Act of 2000 waived the prohibitions of the Wilderness Act to allow Timbisha use of motor vehicles, motorized equipment or ecological manipulation within Death Valley Wilderness. To the contrary, the CDPA provides that Indian access in wilderness designated by that statute "shall be consistent with ..... , with respect to areas designated as wilderness, the Wilderness Act." (16 U.S.C. 410aaa-75). The Timbisha Homeland Act provides that within the part of Death Valley designated as the 'Natural and Cultural Preservation Area,' the NPS "shall accommodate access by the Tribe and use by the Tribe of ... (ii) areas designated as wilderness, in a manner consistent with the purpose and intent of the Wilderness Act;" (16 USC 410aaanote; 114 STAT. 1880). Emphasis added.

This is not a case of the NPS and the Draft Plan having to balance competing legal mandates. Congress provides for certain Timbisha activities within that part of the park designated as a 'Natural and Cultural Preservation Area.' But Congress mandates that such activities within wilderness be consistent with the purpose and intent of the Wilderness Act."

Correspondence #419, Comment #302107

"The Draft fails to note that the NPS may allow use of Section 4 (c) prohibited means for the conduct of its own or approved research ONLY under the "except, as necessary to meet minimum requirements for administration of the (wilderness) area for the purpose of this Act. .. " Not all research meets that test. Otherwise, the NPS or another party could conceivably construct a solar observatory on a wilderness mountain top. After all, that is research but fails the "necessary for administration of the area" test."

Correspondence #419, Comment #302108

"The Draft discusses the presence of 5 large-scale water sources for wildlife constructed on Federal lands prior to the transfer of the lands to the NPS in 1994. The Draft says that a team of NPS experts will evaluate the three such installations that still function. The NPS must be guided by the Wilderness Act, section 4(c) prohibitions and the possible application of the minimum requirement exception."

Correspondence #2, Comment #298811

"The Park is already 91% wilderness....that's not enough? The Desert Protection Act forced us into a much smaller area for multiple use activity and now you say those areas are being damaged from overuse. What a surprise! I guess that was the plan all along. Why not just install a fence around the place and only allow in the enlightened few wearing hiking boots and carrying a backpack?"

Correspondence #388, Comment #301997

"As we have previously indicated, we object to expanding the definition of Wilderness beyond that contained in the Wilderness Act."

Response: Regarding the Mormon Peak facility, the Errata to the Finding of No Significant Impact (FONSI) clarifies that the right-of-way for this facility has expired, and that a decision on the

location of the Mormon Peak phone communication facility will be made in the context of a future environmental compliance process. Through this process, the NPS will consider alternate locations for the facility. The Native American rights discussed in section 1.4.10 and elsewhere in the Plan clearly state that the NPS provides for “traditional cultural and religious activities in a manner consistent with the American Indian Religious Freedom Act (42 U.S.C. 1996 et. seq.) and consistent with the Wilderness Act (16 U.S.C. 1131 et. seq.)” Nothing proposed in the Plan regarding Native American rights or activities is in violation of these statutes, nor are any of the Plan’s provisions inconsistent with the mandates of the Timbisha Shoshone Homeland Act or the California Desert Protection Act of 1994. Scientific activities in wilderness under the NPS selected action are subject to several filters for screening, including a minimum requirements analysis process as outlined in the Plan’s Appendix H: Framework for Evaluating Proposals for Research and Scientific Research in Wilderness. The NPS selected action as described in the FONSI regarding artificial watering devices states, “A minimum requirements analysis will be conducted for these installations in wilderness to determine if they are necessary for administration of the wilderness. Where they are determined to be not necessary for the administration of the wilderness, the Park’s wilderness coordinator will work in coordination with the Park hydrologist and Park wildlife biologist to develop a removal plan that will remove installations and restore natural conditions to the site.” Regarding wilderness designations, the NPS has no authority through the Wilderness and Backcountry Stewardship Plan to expand legislated wilderness, nor to expand the definition of wilderness beyond what is contained in the Wilderness Act; this Plan takes no action beyond what is authorized by law.

## **REFERENCES**

National Park Service. 2002. General Management Plan and Environmental Impact Statement for Death Valley National Park. Death Valley, CA.

National Park Service. 2011. Director's Order #12: Conservation Planning, Environmental Impact Analysis, and Decision-Making.

National Park Service. 2001. Reference Manual #12: Conservation Planning, Environmental Impact Analysis, and Decision-Making.