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U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
CALIFORNIA DESERT DISTRICT
TUESDAY, AUGUST 6, 2002
SAN DIEGO, CALIFORNIA
AFTERNOON SESSION
3:03 p.m. - 3:25 p.m.

1 TUESDAY, AUGUST 6, 2002, SAN DIEGO, CALIFORNIA

2 3:03 p.m - 3:25 p.m.

3

4 MR. JOSTES: I'd like to welcome you all to the 9th
5 scoping meeting we've had over the past week and a half on
6 the Surprise Canyon area, it's environmental impacts and it's
7 access alternatives.

8 My name is John Jostes, and I'm an independent
9 meeting facilitator who has been retained by the BLM to run
10 these scoping meetings to ensure that the comments that are
11 made are written down, recorded, provided in a civil manner,
12 and help the BLM to focus on the Environmental Impacts
13 Statement that they are in the process of developing.
14 Because we have a somewhat limited audience this afternoon,
15 I'd like to handle things in a fairly casual manner.

16 But we do have a court reporter to record verbatim
17 people's questions or concerns or comments they have. So be
18 assured your comments will not only get written down on the
19 flip chart, but also reported verbatim so that the agency has
20 a good record of what has been said this afternoon and this
21 evening.

22 This evening's meetings are the last in a series of
23 scoping meetings that are intended to solicit public input on
24 the environmental issues of concern that will be addressed in
25 the Environmental Impact Statement as well as the

1 alternatives. A variety of access alternatives that will be
2 considered, in that document.

3 There's three types of public input meetings that
4 will be happening over the next series of months. This is
5 the first type, and it's intended to help focus the
6 environmental document on issues of importance to the public.
7 Once a draft, EIS, has been prepared, that document will be
8 circulated for public and agency review; and then the public
9 is invited to make their comments and it's completeness, its
10 accuracy, and its objectivity. From that point, the agency
11 will finalize that document and choose a preferred
12 alternative and hold a series of hearings that would provided
13 for protests to be filed if there is a disagreement about the
14 proposed direction that the BLM wishes to take.

15 The document that the BLM is working on has been
16 focused on about ten different issue areas, and those are up
17 in the flip chart to my right. Just to go over them, so
18 everybody can understand the issues of concern, that's being
19 -- we're looking into natural resources; cultural resources;
20 geology and soils; water quality and water quantity; air
21 quality; and noise, recreation; land use, transportation,
22 aesthetics and visual impacts; social and economic impacts;
23 and wild and scenic river issues. If you believe that there
24 are other issues or if you want to make some clarifying
25 comments about what specifically should be addressed within

1 those broader categories, this afternoon is the opportunity
2 to do that.

3 On the table outside we had not only a meeting
4 agenda, but a written comment form that folks can fill out as
5 well as an information sheet. Those of you wishing to
6 provide written comments, need to do so by August 30th, so
7 that the agency -- at that point in time the comment period
8 for scoping closes, and the BLM will set forth in earnest to
9 develop a draft EIS.

10 The alternatives that have been discussed as some
11 preliminary alternatives to be discussed in the EIS include
12 the no-action alternative, which is temporary vehicular
13 access until June 30th, 2004. That date is important because
14 that is the date that was specified in the lawsuit settlement
15 that the route re-designation must take place by.

16 Other alternatives that will be considered include
17 keeping it open, designating it as a limited route,
18 designating it for permanent closure and a variety of
19 reconstruction options. Whether it's regarding, re-paving,
20 we need to hear from you as to what you think would be an
21 appropriate alternative to consider in terms of access or
22 non-access into the Surprise Canyon area.

23 I have put together a series of ground rules, which
24 are basically the bounders that I like to use in running
25 meetings. The first one is -- I think quite important to

1 remember that no decisions are going to be made today. It's
2 simply an opportunity for you to address your comments,
3 concerns and questions so that they can be written into the
4 record and responded to.

5 So if you could indicate what issues are of
6 importance to you and why they're important to you, that's
7 going to help the BLM to focus their documentation. I'd like
8 to keep the meeting civil and focused. And sharing relevant
9 information is also a critical part of this. I have
10 indicated at the bottom of the ground rules that we should
11 limit our comments to three minutes. I think, given the
12 number of folks in the audience, we can certainly be flexible
13 on that. So if you need to take more time, please feel free
14 to do so. If you would like to speak or have questions you
15 want to ask, these yellow cards are our way of getting a
16 record of who spoke.

17 So if there is anybody who would like to make some
18 comments, now would be the time to come on up, take the
19 podium, and we'll take it from there. Thank you.

20 This is the podium right here. We're recording
21 this, so I don't -- you know, it's important to speak clearly
22 and slowly so that our court reporter can get everything
23 down.

24 MR. SHEA: I'll be reading this.

25 MR. JOSTES: Great. Okay. Tom, if you could state

1 your name for the record.

2 MR. SHEA: My name is Tom Shea. I do a lot of
3 outback activity, hiking, back-packing, mountain biking, off
4 roading and photography picture taking, that sort of thing,
5 and family camping.

6 Just out of curiosity, myself, how many here have
7 ever been to Surprise Canyon? So we have about half the
8 people here have not been to Surprise Canyon.

9 I wish to make a couple of points and many of them
10 are just my desires. I want to have the Surprise Canyon
11 trail or road designated as "open" to all vehicles that wish
12 to or can make it up the trail. Closing the trail would
13 limit access to those people who have great physical or
14 athletic ability. It would keep people who have great
15 physical handicaps out of that trail. Currently, now there
16 are 4-wheel drive and many clubs that take handicapped people
17 or physically challenged people up in that area to see some
18 of the history California, which would not otherwise be seen
19 by them. I want you all to know that this was a road at one
20 time, not a trail. It was a road up to the Panamint mining
21 area, and just because a little erosion has occurred to make
22 it look different than what it was when it was paved, it is
23 still a road for us.

24 To my knowledge, there have been water test done on
25 the reservoirs underneath the desert, and that there has been

1 no effect of gas leaks or oil spills that have been indicated
2 to anybody that I'm aware of. To my knowledge, there are no
3 endangered species in the area. Each time that we close a
4 trail to offroaders, mountain bikers, equestrians, it puts
5 more pressure on other areas that are remained open. With
6 the population going, that's an agenda for catastrophe. I
7 think, if you can manage things, mitigate problems, we would
8 be much better people, have much better resources that we can
9 use rather than just read about in National Geographic
10 magazines.

11 Most people that I associate with in 4-wheel drive
12 clubs, mountain biking clubs, and hiking clubs are
13 environmentalists. We're not extreme environmentalists. We
14 want to be able to use the resources that we have. We want
15 to maintain their viability, and we want to use them. We
16 want our families to see what our forefathers have seen, and
17 we want our great grandchildren to see them as well.

18 That's it. Thank you.

19 MR. JOSTES: Thank you.

20 Is there anybody else who would like to ask a
21 question or make a comment?

22 Yes, ma'am, come on up.

23 MS. ALLEN: Thank you. Thank you for having me.

24 MR. JOSTES: If you could state your name for the
25 record.

1 MS. ALLEN: Just let me thank you for having a flat
2 place here.

3 Name is Harriet Allen. I speak as an individual
4 today. I belong to many organizations from coast to coast
5 and Canada to Mexico.

6 The issue that I like to think about as we come to
7 these meetings where we have a great diversity of opinions,
8 is the fact that at this point in time and within this
9 administration, we may be losing public lands at a great rate
10 through barter, through trade, through sale to private
11 individuals. And while we fuss around at our meetings,
12 they're at work. And I think we need to remember that
13 together, we can keep our public lands public. So we don't
14 have to go through some private gates. I have information
15 that I can submit to Mr. Lobos. If you want to put it in the
16 record, I think we can do it without making a big problem for
17 Washington and for us. That's my main concern.

18 I'm also interested in the location of
19 Surprise Canyon, and it's relationship to Death Valley
20 National Park, which is at the top of the canyon and
21 Panamint City, and according to the maps, the red line
22 divides the two jurisdictions. And hopefully, there is some
23 kind or will be some kind of a joint decision of how this
24 road connects to the historic cite of Panamint City; and how
25 we're going to operate it with the park because if we go up

1 on the BLM side, and there's no entrance except hiking from
2 the park side, we need to have a pretty compatible ending to
3 the top of the Canyon. At least I think so. We also have
4 the problem with adjacent canyons, and you can see them on
5 the west side.

6 If it's okay, Mr. Chairman, I'll keep going?

7 MR. JOSTES: Go right ahead.

8 MS. ALLEN: Okay. This is a wonderful opportunity.
9 There are many canyons coming down the west side of Panamint
10 and they all have histories of hydrological catastrophes.
11 I'll just say "episodes." Some of these are rather periodic;
12 some of them have been devastated; some of them have taken
13 place two or three times; the roads have been rebuilt, and
14 according to some historians, within a very short time
15 they've been washed out again.

16 So we need to look carefully at Surprise Canyon and
17 it's hydrological history, how frequently these floods come
18 down the Canyon and have big water shed and could wipe out
19 everything we've done to make it whole again. And we need to
20 study what happened in this last flood. That is the purpose
21 of this hearing. The other adjacent properties, Burk's Mine,
22 is pretty close, and that's a big mark on the horizon. It's
23 a claim. It's marked in red on the maps, and I don't know
24 what Burk's Mine will do to Surprise Canyon; and I don't know
25 what Surprise Canyon will do to Burk's mine. I think we need

1 to look at that.

2 This is a wonderful area. It's one of the high
3 spots of my early hiking careers. I think we really need to
4 take a good look at that and not make a hasty decision. We
5 need to make a long term thoughtful decision. Thank you.

6 MR. JOSTES: Okay. Anybody else want to speak?
7 Don't all rush up here at once.

8 Okay. Thanks.

9 MS. PARKINSON: My name is Mandy Parkinson. I speak
10 as an individual also as a public-interest environmental
11 attorney. I have been growing up here and going out to the
12 desert my entire life. Until I saw photographs of off-road
13 vehicles actually winching themselves up these waterfalls, I
14 had never had one of those moments where my jaw just dropped
15 to the ground. It's unbelievable. This small area that
16 we're talking about in Surprise Canyon is an ecological
17 mecca. The BLM did, at the beginning of this decade, an
18 analytical study to look at the creatures in this area.
19 Species that inhabit this area. They were trying to decide
20 whether to invoke an interim for vehicles. They went down a
21 list of all the possibilities of what might happen if they
22 closed. Every single one of those possibilities was positive
23 for the species. There was a list this long, a foot long of
24 endangered species, animals and plants in this area. If you
25 don't know about them, I guarantee you it's because your loud

1 vehicles are driving them away, and you're not seeing them.
2 Their there. Your frightening them. Your putting gas and
3 oil in their water. If you're an off-roader, your creating
4 noise that disturbs mating rituals that take place every year
5 unless you're around. You're invading an area that doesn't
6 belong to you. It belongs to them.

7 However, there's another way that you can see it.
8 And it's the way that I go out and see it, these species and
9 these plants. I put on my \$200 pair of hiking boots and I
10 walk. This road that goes to the area that we're talking
11 about is not a jeep trail, it's not a road. It used to be a
12 road a hundred years ago or more and there was a flood 10, 12
13 years ago this road was recreated by offroaders. Recreated
14 but they made them stay. When they recreated this road, this
15 takes diversions into wilderness, designated wilderness.
16 There are two laws that make this absolutely illegal.
17 Wilderness Act of 1964 and the California Desert Protection
18 Act of 1994. Two laws right there on the face on the books.
19 What happened was illegal. Any vehicle that crosses over
20 into designated wilderness has broken the law. Any
21 off-roader who takes that trail is a criminal. Those are
22 just two laws. The Endangered Species Act is a third. The
23 species were there long before you were. They might
24 disappear within the next few years, unless the offroaders
25 get out of there.

1 Take your vehicles out of there. Winching Jeeps up
2 waterfalls? Give me a break. It's unbelievable to me. No
3 one is telling humans that we can't be there. I'm there. I
4 want to be there. I walk. Some things in life we can't do.
5 Some people have limitations. We have to accept hard
6 realities. We can't get into our SUVs and Jeeps and winch
7 ourselves anywhere we want to be.

8 There are very strong laws in this country that
9 protect the species that live in that area. They must be
10 obeyed; because if your not, your criminals. And I'm going
11 to make sure that you're not there breaking the law and
12 killing those animals, because that's what you're doing.
13 Interfering with their habitats, you are indirectly, some
14 times directly killing those animals and plants. They're
15 endangered, they're listed under federal law and state law
16 sometimes for some of them as threatened or endangered. You
17 know they're there.

18 Prove to me that you're an environmentalist by
19 walking through that area and looking at those species.
20 Leave your Jeeps at home. If you want to do extreme driving,
21 do it in your backyard. Thank you.

22 MR. JOSTES: Other comments? Okay. Last call.
23 Questions? Okay. We're going to reconvene at 7:00 this
24 evening. Traditionally we have been seeing more people come
25 in the evening hours than in the afternoon hours, but it's

1 been an opportunity this afternoon to give everyone who
2 wanted to speak, pretty much the time they needed to make the
3 points that they would like to make and offer the
4 perspectives that they have. So with that, I'd like to thank
5 you all for coming. If you have a parking validation the
6 gentlemen in the back here in the blue shirt would be happy
7 to give you a stamp so that the access is free; and thank you
8 for coming. If your staying this evening, you can't leave
9 your private belongings here because there is no security to
10 kind of take care of those. So that's just an observation.
11 If you have comment forms, I'd be happy to take them, and
12 we'll make sure they get entered into the record.

13 (This sessions concluded at 3:25 p.m.)

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