



1.0 GOVERNMENT

1.1 Definitions

In using this Element, the following definitions will apply:

Board – The Board of Supervisors of Inyo County.

Collaborative Planning Process – A system where all parties involved come together to gain a better understanding of the environment in which they make and implement plans, to gain a full understanding of each other concerns, and to work together as equals to solve issue of common concern.

Coordination – A planning process by which the County and another public agency seek to harmonize the proposed public agency's action with County land use plans, especially the County's General Plan, with the goal of identifying conflicts between the County's and the public agency's land use plans and developing alternatives that are consistent with plans of both the County and the other public agency. The County has sole jurisdiction to interpret consistency and/or inconsistency between the other public agency's plans and the County's General Plan or other County plans. Representatives of the County and the other public agency meet to obtain and exchange information and to obtain consistency between the land use plans of the County and the other public agency to the extent practical.

County – The County of Inyo.

Public Lands – Lands owned, controlled or managed by governmental entities, such as federal, state and city governments.

1.2 Introduction

The County has prepared and adopted this comprehensive long-term General Plan Element for its physical development and of any land outside its boundaries which in the County's judgment bears relation to its planning jurisdiction (Government Code Section 65300).



The Legislature has found that decisions involving the future growth of the state, most of which are made and will continue to be made at the local level, should be guided by an effective planning process, including the local general plan, and should proceed with the framework of officially approved statewide goals and polices directed to land use, population growth and distribution, development, open space, resource preservation and utilization, air and water quality, and other related physical social and economic development factors (Government Code Section 65030.1).

It is further the policy of the state and the intent of the Legislature that land use decisions be made with full knowledge of their economic and fiscal implications, giving consideration to short-term costs and benefits, and their relationship to long-term environmental impacts as well as long-term costs and benefits (Government code Section 65030.2). See also *Village of Euclid v. Ambler Realty Company* (1926) 272 U.S. 365 (71 Lt. Ed. 303); *McCarthy v. City of Manhattan Beach* (1953) 41 Cal.2d 879; *Consolidated Rock Products Company v. County of Los Angeles* (1962) 57 Cal.2d 515, appeal dismissed, 371 U.S. 36. Local planning agencies are mandated and best suited to properly balance all of the environmental impacts of actions that affect local lands, including economic and fiscal impacts.

The Board is well aware that the historical, overriding and predominant goal of the General Plan has been the continuation of a lifestyle which assures quiet enjoyment of private property rights and property interests and assures the highest degree of protection of these rights. Property rights and interests are important to the people who live and work in the planning area. Equally important is the protection of its citizens' use of the public lands. These people are reliant upon the land and its productive use. Multiple use of public lands is a driving force that supports the livelihood of its people, and is critical to the cultural and economic components of its environment.

1.3 Public Lands

Federal, state and city managed lands make up more than 98 percent of the land mass identified in the General Plan. The County's economy is largely dependent on business and other activities taking place on such land. These activities are inseparably tied to the remaining portion of private land identified in the General Plan in that appropriate uses of private land in the County are affected by plans governing the use of such public lands. The County cannot effectively plan for the appropriate use of private lands in isolation from plans applicable to federal and other public lands in the County; the two are interrelated. It is, therefore, fundamental to the County's responsibility to its citizens to establish principles for the use of public lands within its jurisdiction. Recognizing the effect that the availability and allowed uses of public land has on the economic and social welfare of the population of the County dictates that the County General Plan identify principles for the use of federal lands that support the economic and social welfare of the County's citizens.



Further, the Board does not meet its responsibilities by merely adjusting its County land use plans to accommodate federal land use decisions. As representatives of County residents and for their welfare, there is an affirmative duty of the Board to advocate for allowed uses on federal land that benefit those most affected by federal land use decisions, its citizens. This duty, and the standing to pursue it, is specifically acknowledged in federal laws that require federal land management agencies to coordinate their planning activities with local government. Accordingly, it is a purpose of this chapter to identify uses of federal land and other public land that will best protect and ensure the economic and social welfare of the residents of the County. The Board finds that managing lands to ensure a vital and healthy local community is completely consistent with federal and state law and beneficial to all users of the public lands.

1.4 Governing Principles

The Board believes it is a fundamental principle of the United States' democratic and constitutional government that members of American communities be provided the means to maintain and enhance the environment and quality of life in their communities. It is fundamental to the concept of self-government that each local community protect the aspects of the local environment and community life that are unique to that community. Accordingly, it has always been the province of local government to regulate land use planning within its jurisdiction to implement the community's desires regarding its environment, including economic and cultural values. This fundamental ability of a community to organize itself to the benefit of its members is as important to a rural community as it is to a city neighborhood, and the consequences of ignoring it is equally dire to all communities. Where any community is disenfranchised to the extent that decisions that affect its quality of life are made by persons not living in the community, it loses its fundamental rights under our democracy. Decisions regarding the nature of a community should not be made by persons who do not live in the community, do not understand the nature of the community, and who do not suffer the consequences of those decisions. A system that engenders this result risks losing its legitimacy, and cannot but suffer from the disaffection of those who are disenfranchised.

Where a community such as Inyo County, consists to the largest possible degree of public lands, which in many ways are jurisdictionally beyond the control of the local peoples who dwell therein, such a result is an ever present danger. Land use decisions for federal lands are often made by individuals and organizations that are not familiar with the local community and who may reside at distant locations. Local government and residents are better suited and able to assess potential impacts of land use actions than federal agencies. Federal management should never be conducted in such a way that the local community and culture is ignored, or worse, impoverished or extinguished, by decisions made regarding the lands that surround that community and culture. It can never be to the benefit of the nation as a whole to destroy the fabric of any of its individual communities.



The Congress of the United States has recognized these principles entirely. In every statute by which it has authorized the federal executive departments to manage public lands, it has protected existing private rights in the lands and has required executive agencies to coordinate their management with the local community. The Board believes it is inherent in the Constitution of the United States and in all federal land use statutes, that considerations of local populations be incorporated in public land use decisions. There is contained in these statutes the clear direction of Congress that local communities be coordinated with in the management of federal lands so that local land use planning is acknowledged, understood and accommodated. And where federal land use plans are not consistent with local land use plans, such discrepancies must be understood and explained.

1.5 Existing Setting

Inyo County consists almost entirely of federal, state and city lands. Sixty percent of the land in the County is wilderness, much located in Death Valley National Park, which means that such lands are not open to exploration or development of resources. Neither may such lands be explored or enjoyed by motor vehicle except on designated roads. Three percent of the land in the County is owned by the Los Angeles Department of Water and Power (LADWP), which manages those lands to the benefit of its citizens and for water supply. Such land is generally not available for development or consumptive use. Approximately 12 percent of the land in the County is National Forest and its use is limited. The remainder of the federal land in the County is managed by the Bureau of Land Management for multiple uses. Taken together, these public lands are such a major portion of the total lands that the planning for these lands have an overriding effect on the planning for the remaining 2 percent of land in the County that is under private ownership.

1.6 Custom, Culture & the Economic Base of the County

The history of the County may be summarized by its accomplishments in mineral extraction, livestock, farming, timber, wildlife and the transportation and recreation industries, led by individuals willing to work and develop the resources of the land as it exists today. The settlement of the County was based on the beneficial use of land at a time in history which precedes federal and state regulatory efforts that today could threaten that same custom and culture.

Residents of the planning area have historically and traditionally earned their livelihood from activities reliant upon the development of natural resources and recreation. The



economy of the County has always been, and is today, dependent in a large part upon the availability and utilization of natural resources and reasonably accessible water supplies. Either directly or indirectly, the majority of persons employed in the planning area are dependent upon the availability of the County's natural resources and upon access to federal land.

Much of the land that produces the natural resources critical to the economy in the planning area is managed by federal and state agencies or is affected by these agencies. The economy of the County is largely dependent upon commercial and business activities, which include the economic recovery of minerals, the production of energy, agriculture, and recreation. These activities form the base for the economic stability of the County and are inseparably and vitally tied to the viable and effective use of private and public lands.

The Board has initiated the process by creating a Land Use Committee. This Advisory Committee is charged with the task of overseeing the County's relationship with public land agencies so that the Board's purposes and goals are successfully pursued.

1.7 Government Issues

The following section lists (in no specific order) some of the critical governmental issues that must be addressed in implementing this Element of the General Plan.

- Coordination with federal land managers in the preparation of plans for lands they manage that may impact Inyo County.
- Improving overall communication and coordination between the County and federal, state, local agencies and Native American tribes.
- No further net loss of private land within the County.
- Maintaining the General Plan.

1.8 Multiple Use & Coordination with Federal & State Agencies

This Plan provides a positive guide for the County to coordinate its efforts with federal and state land management agencies in the development and implementation of land use plans and management actions which are compatible with the best interests of the County and its citizens. The Plan is designed to facilitate continued, revitalized and varied use of



federal and state managed lands in the planning area.

The County recognizes that federal law mandates coordinated planning with local governments and positively supports varied uses of federal lands. Such varied uses necessarily include continued maintenance of the historic and traditional economic uses within the planning area. It is the policy of the Board to work consistently to ensure that federal and state agencies inform the County of all pending or proposed actions affecting the planning area and coordinate with the County in the planning and implementation of those actions.

Numerous other provisions of California statutory and decisional law provide standing for the County to call upon state agencies to coordinate their planning efforts with the County. It could only be for such a purpose that the California Legislature established the duty of a county to conduct a comprehensive planning process designed to prepare, implement, review and update a comprehensive general plan to include all land within the boundaries of the County and land outside the County boundaries which bears relation to its planning efforts.

The County does, therefore, call upon federal and state management agencies to coordinate in advance with the County on any proposed action, which will impact those managed lands. Such management agencies are requested to so coordinate their actions by providing to the County in a timely manner, prior to taking official action, a report on the proposed action, the purposes, objectives and estimated impacts of such action, and its economic impact. The planning process is ongoing, and will require the County, through the Land Use Committee, to become involved with analysis and evaluation of all stages of the planning cycles followed by federal and state management agencies.

1.9 Goals & Policies

GOAL GOV-1:	Work with agencies, districts, utilities, and Native American Tribes to promote consistency with the County's General Plan.
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Policy Gov-1.1: Plans for Agencies, Districts, Utilities, and Native American Tribes

The County shall work with federal and state agencies, local districts, utilities (e.g., LADWP), and Native American tribes to ensure that they are aware of the contents of the County's General Plan and work with them to ensure that their plans are consistent with the County's General Plan to the greatest extent possible.



GOAL GOV-2	To ensure planning decisions are done in a collaborative environment and to provide opportunities of early and consistent input by the County and its citizens into the planning process of other agencies, districts and utilities.
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Policy Gov-2.1: Continue Participation on Collaborative Planning Effort

The County shall continue its participation in collaborative planning efforts and work to expand participation to all affected government agencies.

Policy Gov-2.2: Public Participation

The County shall work with federal and state agencies, local districts, utilities (e.g., LADWP), and Native American tribes to ensure that the County and the public are involved early in any planning process and that routine feedback and public input is requested.

GOAL GOV-3	To provide opportunities for the private ownership of land by maintaining and expanding, when possible, the amount of privately owned land available in the County.
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Policy Gov-3.1: No Net Loss

The County shall work with federal and state agencies, local districts, utilities (e.g., LADWP), and Native American tribes to encourage that land exchanges have a net positive impact on the County. In its evaluation, the County may consider factors such as impacts on the County’s tax base and revenues, orderly community growth, future development, future revenues and/or other gains, and impacts on the environment, both natural and created.

Policy Gov-3.2: Private Land Increase

The County shall work with federal and state agencies, local districts, and utilities to find opportunities to expand private land ownership in the County through land transfers and other mechanisms.

Policy Gov-3.3: Land Release Locations

The County shall work with federal and state agencies, local districts, and utilities to target desired locations for land releases to private ownership.

Goal Gov-4	Land Disposition, acquisition and use policies.
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Policy Gov-4.1: Federal Land Dispositions and Acquisitions

It is the policy of the Board that the design and development of all federal and state land dispositions and acquisitions, including land adjustments and exchanges, be carried out to the benefit of the citizens of the planning area to ensure the following.

- a. That the County property tax base shall be maintained unless the Board determines there is an overriding benefit to the County.
- b. That the private property interests including, but not limited to, land patents, drilling rights, mining claims, easements, rights-of-way and forage rights are protected and enhanced.
- c. That residents within the planning area shall suffer no adverse aggregate economic impacts.
- d. That incentives be developed to provide an increase in local economic development by increasing, where possible, the amount of private and non-federal and non-state land within the planning area.
- e. That private use of federal and/or state controlled land within the planning area be increased in order to enhance opportunities for local economic development.
- f. That federal and/or state land agencies are discouraged from acquiring any private lands or rights in private lands within the planning area without first coordinating with the County.
- g. That federally and/or state managed lands that are difficult to manage or which lie in isolated tracts, or that could contribute to orderly expansion of existing communities should be considered for exchange or sale to private ownership.
- h. That the County be notified of, consulted about, and otherwise involved in all federal and state land adjustments in the planning area. The Board may review all proposed changes to determine if the proposals are in the best interest of the County.
- i. The Board may review and make recommendations on proposed public land withdrawals for hazardous and non-hazardous waste storage as well as the types of such waste.
- j. That before federal and state agencies change land uses, impact studies on land uses are conducted at the expense of the agency proposing the change and



necessary mitigation measures adopted in coordination with the County. Impact studies should address community stability, local custom and culture, flood prone areas, access, or any other issue identified as a concern to the County.

k. Due to the extensive state and federal ownership in the County, it is noted that the management of these areas should include: provision for continued and improved access through and within the County; continued provision of public recreational facilities and access; multi-use management where applicable; and interconnection or coordination of state, federal, and local facilities and programs when possible.

Policy Gov-4.2: Economic Development

With more than 98 percent of the land area of Inyo County owned by the federal, state and city governments, it is clear that the economic viability of the County is inextricably tied to operational decisions made on public lands. Among other policies contained in the Economic Development Element are:

- a. The County shall encourage public agencies to develop new tourist serving facilities or otherwise enhance their capacity to serve visitors on the public lands they manage.
- b. Encourage public land management and service agencies, including BLM, USFS, National Park Service (NPS), Caltrans, and LADWP to increase their capacity to serve visitors on properties they manage.

GOAL GOV-5	Protection and development of water resources.
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Policy Gov-5.1: Water Management

It is the policy of the County to be a part of the planning, development and management of its water resources in coordination with federal, state, and any water managing districts. Resolution 99-43 set forth the County policy on extraction and use of its water resources. That policy is to protect the County’s environment, citizens and economy from adverse effects caused by activities relating to the extraction and use of water resources and to seek mitigation of any existing or future adverse effects resulting from such activities. It is further the policy of the County to encourage the following:

- a. That the protection of existing water rights and water uses within the planning area is of primary importance to the County’s economic and cultural well-being.



b. That the County discourages out-of-county water transfers and strongly opposes transfers that do not (i) pass the highest level of scientific analysis in demonstrating minimal impacts to existing water rights and (ii) show a long-term benefit to the socio-economic stability of the County. The groundwater ordinance (Ord. 1004) provides that interbasin or out-of-county transfers of groundwater are only permitted if the proposed transfer will not unreasonably affect the overall economy of Inyo County and not unreasonably affect the environment of Inyo County.

c. That the Board shall be notified of all state, regional, interstate and federal action that may have any impact on water in the planning area prior to such action being initiated.

d. That any out-of-basin water transfers be thoroughly evaluated and only be permitted if they are shown to not unreasonably affect the economy and environment of the County. In its evaluation, the County may consider factors such as impacts on the County's tax base and revenues, orderly community growth, development, environment, and/or expansion, future revenues and/or other gains, or characteristics.

e. That any regional water plan may be assessed and may be considered for inclusion as part of this Plan.

f. That the County should review all water policies affecting the planning area to determine how they affect the environment, citizens, and economy of the County.

g. That the County may develop its own water use policy to ensure both water quantity and water quality and to ensure that such policy does not adversely impact water users within the planning area.

h. That the County may prepare riparian management plans in concert and coordination with landowners and the appropriate federal and state agencies.

i. That all such proposed actions referred to above should be coordinated with the County as it relates to the General Plan prior to adoption and implementation. It is the intent of the County to develop, plan and be part of federal, state, and water districts' water planning and management as it affects the planning area's existing and proposed water resources as well as all other natural, cultural, and economic resources.

GOAL GOV-6	Preservation of agricultural resources.
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Policy Gov-6.1: Agricultural Policies

It is the policy of the County to protect agricultural land and promote the continuation of agricultural pursuits. The County seeks to ensure all of the following:

- a. Those opportunities for agriculture on federal and state land shall be continued, or expanded at levels consistent with historical custom and culture and the protection of equitable property rights, and sound management practices.
- b. That federal and state governments shall not unreasonably obstruct agricultural opportunities on lands managed by them.
- c. That federal and state land managing agencies coordinate with the County on all matters affecting agriculture on all federal and state managed lands.
- d. That land leased from Los Angeles for agriculture be expanded.

GOAL GOV-7	Provide for recreational opportunities.
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Policy Gov-7.1: Recreation Policies

The County supports and encourages varied use of public and private recreational opportunities:

- a. The County requests coordination of federal, state, wildlife and fishery management and enforcement agencies with the County.
- b. The County will work closely with any agency with which it shares jurisdiction.
- c. Off road vehicle use is a significant recreational activity in the County. Existing off-road vehicles use areas should be continued and additional off-road vehicle areas should be developed.
- d. The County approves any retention of revenues proposed under the authority of the Federal Lands Recreation Enhancement Act or similar law.
- e. The County strongly supports and requests continuing maintenance of roads and expansion of motorized access to public lands.
- f. The existing network of off-road vehicle routes on public lands in the County is of paramount importance to the recreational and resource goals of the



County. All existing four-wheel and off-highway-vehicle drive routes should be maintained and the resource should be expanded where possible, subject to the avoidance of environmental or cultural harm. The four-wheel and off-highway-vehicle drive network, as shown on USGS maps and maps referenced in Appendix B, should be preserved.

g. The existing network of hiking, backpacking and stock trails in the Sierra Nevada must be enhanced and protected. Sierra Nevada tourism involving access to the backcountry is a fundamental ingredient to the economic and social health of the County. No existing trail should be closed. Where trails and natural habitat coincide, human use of the trails should be preserved.

GOAL GOV-8	Wildlife and fisheries.
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Policy Gov-8.1: Management of Wildlife and Fisheries

Management of wildlife, including fish, game animals, non-game animals, predatory animals and Threatened, Endangered, Sensitive, Candidate or Management Indicator Species, under all jurisdictions, must be grounded in peer-reviewed science and local input. Wildlife management plans should identify and plan for mitigation of negative impacts to the project area's economy and environment and to private property interests and customary usage rights of its citizens. Therefore, the following are the policies of the County.

- a. The County should cooperate with federal and state agencies who oversee the protection and recovery of federal and state listed threatened, endangered, sensitive or candidate species and their habitat.
- b. The County may adopt local recovery plans as allowed under the Endangered Species Act.
- c. Federal and state agencies shall prepare a plan in coordination with the County before the introduction or re-introduction of any species onto public or private land that is likely to impact the planning area.
- d. The County supports wildlife management that:
 1. Enhances populations of game and non-game species native to the project area.
 2. Recognizes that enhancing non-native game and non-game species may negatively impact native species and rangeland ecosystems.



3. Increase wildlife numbers where practicable that is not in conflict with existing economic uses or ecosystem health.
4. Recognizes that large game animals compete for forage and water with other economic uses.
5. Supports the need for a private property compensation program for certain wildlife damages.

GOAL GOV-9	Mineral Resources.
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Policy Gov-9.1: Mineral Resources Policies

The County recognizes that the full development of its abundant mineral resources is desirable and an important component to the economic well being of the County, state and the nation. To encourage the exploration, development and reclamation of these resources, the County encourages the following:

- a. That all mining activities use the best available science and technology to ensure adequate protection of land, air and water resources.
- b. That lands available for exploration for mineral development be expanded, and that access to public lands be maintained, expanded or altered to allow mineral exploration and prospecting activities.
- c. Recognition that over 60% of the lands in the County are Wilderness and unavailable for mining or other consumptive uses. Inyo County cannot afford additions to the Wilderness lands in the County, and should work to remove wilderness study areas and identified roadless areas in the County in order to preserve economic opportunity of federal lands.
- d. Maintenance of mining opportunities on state and federal lands requires the maintenance or expansion of access.
- e. Discourage incompatible developments on lands identified as containing significant mineral resources. Support uses that will not preclude future mining activities.
- f. Highly mineralized areas have been mapped by the State of California; a non-exhaustive listing on many of these maps is included in Appendix B. Mineral exploration, development and extraction are encouraged in these areas.



GOAL GOV-10	Energy resources.
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Policy Gov-10.1: Development

Development of energy resources on both public and private lands be encouraged with the policies of the County to develop these energy resources within the bounds of economic reason and sound environmental health. Therefore, the Board supports the following policies.

- a. The sound development of any and all energy resources, including, but not limited to geothermal, wind, biomass, and solar.
- b. The use of peer-reviewed science in the assessment of impacts related to energy resource development.
- c. The development of adequate utility corridors necessary for the transmission of newly generated energy.
- d. Maintain energy opportunities on state and federal lands maintaining and expanding access
- e. Treat renewable energy sources as natural resources, subject to County planning and environmental jurisdiction. Consider, account for, and mitigate ecological, cultural, economic, and social impacts, as well as benefits, from development of renewable energy resources. Consider developing environmental and zoning permitting processes to ensure efficient permitting of renewable energy projects while mitigating negative impacts to county services and citizens, with a goal to ensuring that citizens of the County benefit from renewable energy development in the County.

GOAL GOV-11	Access and transportation.
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Policy Gov-11.1: Balanced Transportation

It is the policy of the County to develop and maintain a transportation system that optimizes accessibility and that minimizes the cost of movement within the planning area and connecting corridors consistent with County, state and federal roadways and travel



ways; therefore, it is the policy of the County that:

- a. Any and all proposed route closures should be coordinated with the County and be highlighted in the appropriate environmental document.
- b. Most railroad rights of way have been abandoned. Any remaining railroad right of way being considered for conversion to a different use should be reviewed by the County to determine that the use is temporary and not preclude future railroad use or that it is not viable for future railroad or other transportation use.
- c. All routes causing no actual resource damage should remain open.
- d. All off-road closure policies must contain adequate exemptions for administrative, management and public functions. These should include but not be limited to:
 1. Agency administration.
 2. Livestock management.
 3. Scientific research.
- e. Interagency Notification – The County, when affected by land use planning on public lands, shall be consulted and coordinated with in accordance with all applicable state and federal laws. Federal and state agencies shall coordinate with the County for the purpose of planning and managing lands within the geographic boundaries of the planning area or within the socio-economic sphere of the County.

1.10 The Land Use Committee

The land Use Committee shall be comprised of the Environmental Health Director, the Public Works Director, the Water Department Director or their designated representatives and be chaired by the Planning Director or appropriate designated representative.