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MEMO

DATE: October 31, 2011

TO: Inyo County Board of Supervisors

CC: County Administrative Officer and Counsel; Planning Commission; NRAC

FROM: Joshua Hart, AICP, Planning Director 

RE: Natural Resources Advisory Committee (NRAC) Recommendations to the Board of Supervisors from the NRAC October 12, 2011 Meeting

The NRAC recommended the following to the Board of Supervisors at its October 12, 2011 meeting.

NRAC Agenda Item No. 7 (Wilderness Resolution)

The Board of Supervisors should consider the attached resolution regarding wilderness, with the following changes:

- Incorporate land exchanges into the introductory sections
- Incorporate mineral exploration into the first full paragraph on page 4
- Include a new clause at the bottom of page 4 as follows: "Whereas, studies over the last 50 years have determined that non-wilderness public lands in Inyo County do not qualify as wilderness."
- Delete the language beginning with term "unless the following criteria are met" in the second full paragraph on page 5.

NRAC Agenda Item Nos. 11 (Points of Order in Public Comment Portion of Meeting)

Inyo County residents should be given preference for speaking at public meetings and forums.

Thank you. If you have any questions, please call me at (760) 878-0268 or email me at jhart@inyocounty.us.

RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF INYO, STATE OF CALIFORNIA, REGARDING DESIGNATION OF ADDITIONAL WILDERNESS IN INYO COUNTY

WHEREAS, the President of the United States signed into law on October 31, 1994 the California Desert Protection Act of 1994, establishing Death Valley National Park and wilderness in Inyo County; and

WHEREAS, the Inyo County Board of Supervisors adopted Resolution No. 2002-34 on May 7, 2002, resolving to (1) provide opportunities to obtain local consensus and support for any changes to public land designations in Inyo County and address the concerns of residents and public land users; (2) ensure through prior economic analysis that Inyo County's communities and businesses will not be adversely impacted by changes to public lands designations; (3) protect existing recreation, grazing, packing, mining, research, archeological and cultural uses on federal lands, including access; (4) protect private property rights, including vested water rights, and access to private land inholdings and other lands that may be affected by adjoining federal land acquisitions; (5) ensure that there is no net loss of privately owned property in Inyo County as a result of expanded Wilderness designations; (6) ensure there is no net loss in revenues to local governments necessary to provide and maintain essential public facilities; and

WHEREAS, the President of the United States subsequently signed into law Omnibus Public Land Management Act of 2009 on March 29, 2009, establishing an additional 97 square miles of wilderness in Inyo County, and that the issues raised in Resolution No. 2002-34 were not adequately addressed; and

WHEREAS, Senator Feinstein has proposed through the California Desert Protection Act of 2010 and 2011 to designate an additional almost 100,000 acres of additional wilderness in Inyo County; and

WHEREAS, more approximately 65 percent of Inyo County has now been designated wilderness and/or is in Death Valley National Park, and more than 98 percent of the County's lands are publicly owned; and

WHEREAS, Wilderness Study Areas (WSA) were designated in Inyo County, including those known as Great Falls Basin, Fish Slough, Volcanic Crater Lands, Crater Mountain, Symes Creek, Independence Creek, Southern Inyo, and Cerro Gordo, and these WSAs have been determined to be ineligible for wilderness designation, but are essentially treated as wilderness; and

WHEREAS, General Plan Government Element Goal Gov-3 is 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; and

WHEREAS, General Plan Policy Gov-3.1 (No Net Loss) indicates that 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 and that 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.

WHEREAS, General Plan Government Element Policy Gov-3.2 (Private Land Increase) indicates that 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; and

WHEREAS, General Plan Government Element Policy Gov-4.1 (Federal Land Dispositions and Acquisitions) indicates that 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; and

WHEREAS, Government Policy Gov-4.2 (Economic Development) indicates that 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 and (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.

WHEREAS, General Plan Government Element Policy Gov-7.1 (Recreation Policies) indicates that 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 vehicle 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, 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.

WHEREAS, Policy Gov-9.1 (Mineral Resources Policies) indicates that 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 of the Government Element. Mineral exploration, development and extraction are encouraged in these areas; and

WHEREAS, General Plan Government Element Policy Gov-11.1 (Balanced Transportation) indicates 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, and (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; and

WHEREAS, General Plan Economic Development Implementation Measure No. 2.0 encourages public land management and service agencies, including BLM, USFS, NPS, Caltrans, and LADWP to increase their capacity to serve visitors on properties they manage; and

WHEREAS, General Plan Conservation/Open Space Policy REC-1.2 encourages the continued management of existing recreational areas and open space and appropriate expansion of new recreational opportunities on federal, state, and LADWP lands; and

WHEREAS, General Plan Conservation/Open Space Implementation Measure 1.0 indicates that the County will work with federal and state agencies that manage land with Inyo County to ensure that appropriate access to open space and recreational areas is provided; and

WHEREAS, wilderness precludes mining and use of motorized vehicles and equipment, thereby precluding access to mineral resources and public enjoyment, and reduces the potential for expanding private lands in Inyo County; and

WHEREAS, continued access to public lands and the maintenance of land uses on public lands such as recreation, grazing, packing, and mining are important components of the social and economic health of Inyo County and its communities; and

WHEREAS, this Board of Supervisors cannot support wilderness proposals without adequate protection of the overall environmental, social and economic character of Inyo County; and

WHEREAS, WSA's have been deemed ineligible for wilderness designation, and their release would serve to enhance local economic vitality, access for recreation, and otherwise benefit the local community; and

WHEREAS, this Board of Supervisors has considered all other written and oral public testimony presented.

NOW, THEREFORE, BE IT HEREBY RESOLVED that, based on all of the written and oral comment and input received, this Board hereby finds that this Board of Supervisors is opposed to designation of additional wilderness in Inyo County and that designation of additional wilderness in Inyo County would be contrary to the General Plan, harm the local economy and culture, and result in significant impacts to public access and mineral resources, unless the following criteria are met:

1. Provide opportunities and strive to obtain local consensus and support for any changes to public land designations in Inyo County and address the concerns of residents and public land users;
2. Ensure, through prior analysis, that Inyo County's residents, communities, and businesses will not be significantly impacted socioeconomically by changes to public land use designations;
3. Protect existing grazing, packing, mining, research, archaeological and cultural uses on federal lands, including access;
4. Protect private property rights, including vested water rights, and access to private land inholdings and other lands that may be affected by adjoining federal land acquisitions;
5. Ensure that there is a net positive impact on the County in regards to 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.

BE IT FURTHER RESOLVED that this Board of Supervisors hereby indicates its desire that WSAs in the County be released as soon as possible.

BE IT FURTHER RESOLVED that this Board of Supervisors directs staff to actively represent the County's issues and concerns to federal representatives and others considering wilderness designations and WSAs in Inyo County.

PASSED AND ADOPTED THIS ??? DAY OF ??? 2011:

AYES:

NOES:

ABSTAIN:

ABSENT:

Chairperson

Inyo County Board of Supervisors

ATTEST:

KEVIN CARUNCHIO
Clerk of the Board

By _____
Pat Gunsolley, Assistant