

To Whom This Concerns

Let me start off by commending you for taking the extra effort to engage the public in a written dialogue at such an early stage of the planning process. Since many people would consider this an area of the highest value to park visitors, it seems very appropriate to put in the extra effort to involve those who are deeply and passionately concerned with its future. Not only is it heartening in a general sense, but it also seems more in keeping with the public engagement requirements of NEPA than many other recent government actions. Thank you.

I am going to do my best to divide my comments into two parts. The first part will be comprised of comments of a more general nature regarding the management of the Springs, [hereafter referred to as SV] and of issues not addressed in any of the alternatives. The second part will be comments regarding the specified elements of the alternatives. There will be some places where my comments will overlap due to their nature, and others where it is necessary in my opinion to make a component of an alternative more well rounded. My apologies if anything appears redundant.

General Discussion

1. Purpose and Need . In a general sense, we all understand that the NPS is long overdue in developing a new management plan for this area, and that the NPS has at some level a certain amount of potential liability for not appearing to have done anything. I do not think it is inappropriate for the NPS to use these preliminary outreaches to remind the public of this. I can attest that I personally have heard and read enough grumbling from park visitors that I know to realize that this even this basic point is not well recognized. Beyond that, I think the Alternatives Newsletter does a good job of explaining the Park's approach and position regarding purpose and need.
2. Range of comments . It is unfortunate that even though the Newsletter specifically indicates that the alternatives are preliminary, and the discussion is still very open-ended, many people already have the impression that there are only five alternatives. This is very unfortunate, because it may have prematurely limited the scope of comments the NPS will receive on the project. Since I do not believe this was the NPS's intention, perhaps the you should consider posting a notice clarifying this point.

3. Modern Cultural Significance_. A large number of writers, as well as area users and visitors have acknowledged that both the Lower and Palm Springs have a rich cultural history directly associated with 'The 60's'. The entire modern history of management in this area, both under the BLM and the Park Service is marked by interaction with beatniks, hippies and other free-spirited individuals seeking the special kind of peace and freedom that the valley and the springs have represented in modern times. The history of the springs over the last 50 years is a rich tapestry of stories, filled with colorful people, preserved in film, written and other visual expressions, and a strong oral tradition that rivals that of any Native American tribe.

The Park Service needs to promptly and with specificity acknowledge on WHAT BASIS they are evaluating the area for cultural significance and inclusion in the National Register[see specific comment #26 below]. This is of critical importance in making useful public comments AS WELL AS A MANAGEMENT PLAN, as some management practices will be dictated by inclusion, others will be very strongly modified, and others become moot.

4. Historic Cultural Significance. While most users will readily acknowledge that the Springs were visited in the past by the local Indians, the resources of the valley have not been sufficient to support anything more than typical ephemeral nomadic use for a very long time. Summertime temperatures have always precluded this. Hunting sites have been documented in the vicinity of the three springs for quite some time. The paucity of artifacts associated with those sites has also been documented. Their adaptation to the surroundings by their builders [virtually indistinguishable] is probably their best defense against encroachment and depredation. I have never been a fan of formally identifying these types of sites for the uninitiated.

5. Accessibility-by far the largest variable affecting the use of the warm springs area has nothing to do with the visitors themselves, but their ability to get to the area. This is something that although it has a great bearing on what the NPS must plan for, it has very little control over. Road conditions are 'subject to change'. I find it curious that the most important variable regarding public use of the area is not even mentioned in the

management alternatives. Just because it is beyond Park Service control does not mean that it does not need to be taken into account. Based upon weather experience many of us have experienced in our lifetimes, it is not beyond the realm of possibility that Mother Nature will perform it's own 'restoration' alternative, or some near version of it that will profoundly impact both the recreational opportunities in SV and their accessibility. A management plan that does not acknowledge this is no management plan at all.

Further, many users find their plans at the mercy of the Inyo County Road Department and its budgetary and time constraints. This directly and quantifiably affects how many people use the SV area, and must be acknowledged in developing a credible management plan for the area.

6. The modified No Action alternative. I think it is totally appropriate and acceptable, as outlined with more specificity in each of my comments below, for the NPS to consider adopting a modified version of the 'No Action' alternative. This will preclude hasty decision-making, while allowing the type of flexibility now commonly referred to as 'adaptive management' to occur. Such provisions need to be carefully tailored to allow for achieving defined objectives through a public process that fosters trust and cooperation with users and user groups, not one that is characterized only by unilateral discretion that creates suspicion.

7. Enforcement. In the same way that I chafe every time I watch Congress and our court system enact another unfunded mandate that further burdens our perennially strapped land use agencies, I shake my head in disbelief at some of the proposed management plans that come out of both state and federal agencies that have no chance of being carried out. While I am not saying that the agencies should never promulgate new regulations, or come up with new ideas, we all have to be keenly aware that when governments make laws they cannot enforce, it ultimately undermines their authority. SV by its nature will always be remote.

Whatever changes the NPS ultimately makes, they should do their best to build consensus among all users of the area for the proposed changes first in order to achieve the highest probability of success for those changes. The next step is to try and make as many users as

possible become partners in the management, not in the formal sense, but as cooperative components. In this regard, my specific suggestion would be that as each new component of adaptive management is being considered by the NPS, there be site-appropriate kiosks placed to explain what needs to happen and why. For example, signs by the highest-use camp sites, the washing stations themselves, targeted fire rings, the Chicken Strip. As mentioned under my campfire comments below, those signs also need to be simple and message specific. I believe that a lot of behavioral patterns may be gently shifted this way without the need for a lot of additional layers of potentially unenforceable regulations.

Alternative-specific comments.

1. Camping areas-Nothing like starting off the discussion with one of the most sensitive subjects! Anyone who has visited other National Parks around the country cannot help but be aware that SV currently enjoys the special status of having largely unrestricted camping. This extends not only to the number of sites, but to their dispersion in the general area of the springs.

My initial reaction to the commencement of this planning process was that this aspect of the SV experience was and is inevitably likely to change. Based on my legal background, I just took it as a given that the NPS would like to limit both environmental and legal consequences by bringing SV into conformity with all of its other assets. I also started with the assumption that there was some quantifiable number at which all parties would agree the springs were likely to be harmfully impacted. While my second assumption remains, the first has fallen to the greater wisdom of Ralph Waldo Emerson: "A foolish consistency is the hobgoblin of little minds."

While there is something to be said for consistency when it comes to legal exposure, it should not be used to short circuit discussion about how the uniqueness of this resource, by virtue of both its value in value and location, may require different management practices and plans. In reality, this aspect of the plan has two separate and distinct elements to it, and they should be addressed separately.

Designated camp areas seem like a deceptively simple idea. Everyone acknowledges and agrees that there are sensitive values in the area,

both natural and specific to the Native Americans, that could use some protection against potential degradation through unrestricted dispersed camping. However, A does not equal B; designated camping areas are not the inevitable solution to this concern. Far from it.

First, it can be fairly argued that identifying 'red' zones, only the areas that should not be used for camping, is much less invasive of the user experience while respecting other resource values. While establishing perimeters for these restricted areas may require a significant amount of labor, I for one am comfortable with the idea that the NPS would find users and user groups more than willing to volunteer supervised labor to help establish these 'safe' zones. Scene-sensitive barriers need to be installed to gauge compliance before more draconian measures are imposed.

Second, the tragedy of the commons is one of the oldest concepts in the area of land use. When an increasing number of people are channeled into a decreasing area of land, the impacts on that area are going to increase. Prematurely moving from unrestricted camping to a finite number of designated areas without first implementing a plan that only restricts camping in sensitive areas will subject those designated areas to premature and unnecessary pressure.

It is this same logic which must be followed before considering the move to designated camp sites.

For all of the foregoing reasons, I prefer not to endorse any of the management alternatives in the current NPS chart, but instead to suggest a minimum action alternative that starts with delineating 'no camping' areas, followed by monitoring, with some kind of mechanism that gives the NPS the flexibility to move towards designated camping areas without having to enact another management plan.

On a separate but related note in keeping with my personal tastes in camping, I would like to suggest that the NPS consider adopting and implementing one or two 'generator-free' zones in the SV area as part of a new management plan.

2. Campfires-Thankfully, I have nowhere near as much to say on this subject! Since I personally do not think that campfires in and of themselves are the issue, but rather the materials that are used, and the ash that remains, this is what I will address. I do not

think that area users have been sufficiently educated on this subject. Many do not stop to read the notices at the two information kiosks provided by the NPS. I for one have. What I have noted is that the notice regarding ash is one of MANY notices. In a general sense I have noted that most people I have encountered in this life have short attention spans, so if you have something [or things] of EXTRA importance, it behooves you to make those few things STAND OUT. Accordingly, I would start by modifying the current notice to highlight the requirement for removing ash and not burning glass or wood with nails.

I am open to the suggestion that the NPS supplement the current number of volunteer-placed fire pans with authorized pans and rings as long as the authorized pans do not prematurely become exclusive before monitoring and evaluation can take place.

Because of the additional cost to the NPS, I would forego immediately offering to provide ash removal in favor of starting off with better education through better signage. As an additional alternative I would like to suggest that the NPS considering an initial installation of somewhere between 6 and 12 'authorized' fire rings that incorporate additional, FOCUSED signage nearby to monitor usage and compliance. I would also like to suggest here the opportunity for the NPS to reach out to the user community through the organization called SPA for input on where those initial fire rings might best be placed, as well as for ideas on sign construction. I believe this organization is well qualified for this task.

- 3.Length of Stay-with regards to this element, I find the current NPS field of alternatives confusing. My confusion stems from the change in alternatives 1-3 from the current 30 day rule to the 7 consecutive day proposal in #4 and 5 of the comparison chart. It is entirely feasible to construe this as meaning as long as you do not camp more than 7 consecutive days, the 30 day rule will not apply. If this is in fact the case, I am left to my own imagination to figure out why this option is being considered.

I know in a general sense that length of stay has been an issue in SV. I have personally met with about a half dozen people that have the means to stay for extended periods in the valley. I also realize this is a concern for the NPS, as it was for the BLM before them. Still, I would be at a loss to see how changing from the 30 day rule

to a 7 day rule that lifts the 30 day limit would better serve either the area or its users. Because of this, I would tend to favor a management plan that maintains the existing 30 day rule unless and/or until further explanation of the 7 day alternative can be provided.

Lastly, I would like to suggest a possible third alternative. While I cannot speak for every user that would like to stay over 30 days, the half dozen I have met ALL have a long-standing interest, concern and shall I say it, love for SV. I don't think there is much any of these people wouldn't do to help protect this jewel. In the same way that I have been sensitized to resource values through CASSP [California Archeological Site Steward Program] I would like to suggest that the NPS consider lifting the 30 day limit for those people willing to participate in a formal training program, thereby becoming volunteers under 16U.S.C 18g-j. I can provide further suggestions in this regard if you like.

4. Camping Permits_-the idea of permits in SV constitutes a fundamental shift in policy, replete with enforcement issues noted in my preliminary comments. I believe a separate purpose and need would be required before such a fundamental change could be implemented. Obviously, the EIS that has yet to be developed would cover this. In the absence of an EIS, I am unable to formulate either a purpose or need on my own. Only in the most general sense can I consider a permit as a construct similar to creating defined campsites. As such, and for the same reasons, I would defer any further consideration of permits until the NPS has had the opportunity to implement the strategies I have outlined in the 'camping areas' section of my comments.

That said, I am not opposed to the NPS reserving the right to consider permits 'down the road' as part of their adaptive management of this area should subsequent review make this the logical 'next step.' Therefore I would endorse a modified 'No Action' alternative that preserves the NPS' ability to implement a permit program.

5. Fees_-The subject of fees has been litigated recently in Federal court, as I am sure NPS staff are aware. Before the imposition of fees can be considered, a list of additional services that the NPS will provide in exchange for a fee will need to be compiled. Since none of the alternatives currently list any, and I personally am not

adamantly opposed to fees if the 'right' services are offered, I would take a minute to explore this further.

I have seen mention on internet forums regarding the possible installation of picnic tables and shade coverings in the springs. While some users [and possibly the Native Americans as well] might consider this an affront and visual blight, I can see both sides of this idea, and think that this might form an appropriate basis for collecting a fee. The ash removal mentioned under the campfire section would be another one. Maintenance of the Bat Rock road would be another. HOWEVER, that said, I think it is also important to say that road maintenance is a double-edged sword. Many area users have already implicitly acknowledged that poor road conditions contribute to keep area usage at a manageable level. Perhaps a more refined or narrowly tailored version of maintenance that ONLY refers to the section of road between the lower and Palm Springs would garner more support.

6. Off Road Use-I support a modified version of the Restoration Alternative regarding Off Road use. First, sensitive areas need to be clearly delineated for protection from off road use. Secondly, ALL areas historically used for camping must initially be included in any 'road' inventory for the area while further evaluation takes place. If and when the NPS moves towards implementing a plan clearly delineating a finite number of designated camping areas, appropriate access roads into those area will need to be acknowledged and appropriately delineated. Larger areas may require more than one access road in order to properly accommodate user habits and discourage off-road travel.

7. Maintenance of Tubs and Infrastructure-the tubs are probably the single largest 'draw' to SV, and their potential removal under the Restoration Alternative is likely to be the single largest concern to most users. Again, the Comparison Chart provides no information regarding the motivation for considering this option other than the fact that it would constitute restoration to a more natural state. Public health and Native American concerns would be two possible reasons I could entertain without any further explicit mention from the Park Service. I will address all three here.

The "natural" state misnomer. This is not the first time I have encountered this over-simplistic idea in the realm of land use planning and management. It's draw is deceptively simple. But the

key is to remember that it is a deception. As the award winning author Daniel Quinn so eloquently put it “What the plains were five hundred years ago was not their final form, was not the final sacrosanct form ordained for them from the beginning of time. There is no such form and never will be any such form. Everything here is on the way. Everything here is in process.” [The Story of B, p. 161]

Virtually every national park in our great land has features in it which are the products of our recent ancestors, most of which the NPS has been specifically charged with maintaining. The mission of the NPS includes this as one of its principles. In the case of SV, the vast majority of users that will comment on this planning process will likely indicate their belief that the current state of the Warm Springs area strikes an appropriate balance of development in a natural setting just the way it is. Removing the tubs in an effort to recreate that which is fundamentally impossible is not only shortsighted, but ignores fundamental principles of balanced management the NPS is specifically charged with providing.

With regards to public health, I will candidly admit that I know virtually nothing regarding the water quality of the springs. What I have heard is all hearsay. I have seen people drink the water from the springs; I know that does not mean that it is safe, in either the common sense of the term, or according to Public Health codes that the NPS may be required to acknowledge if not follow.

While this may not be a safe assumption to make, my thoughts are that if the water of the springs were fundamentally unsafe, either the BLM or the NPS would have taken steps to prevent its use before now, as they have at other locations. This leads me to believe that the water is not per se unsafe, but that the current methods for its distribution and use may be at issue. Since some of the alternatives in the comparison chart indicate that the NPS would assume control over the “plumbing infrastructure”, this reinforces in my mind the idea that the distribution may be related to the health issue. Likewise, the maintenance methods and schedules for the cleaning of the tubs themselves are likely a health issue.

With regards to the maintenance of the plumbing infrastructure, I would prefer a modified version of the no-action alternative that gives the NPS the leeway to continue monitoring the current situation, develop ideas for improving the infrastructure for health, safety and durability, and gauge the feasibility of engaging

volunteers and user groups to incorporate these ideas before taking on the additional cost of managing this component exclusively.

With regards to the proper maintenance of the tubs, I would again prefer a modified version of the no-action alternative that starts with additional signage. My idea would be for each tub to have a sign in its general vicinity that a. names the tub, b. states its capacity, and c. states the amount of bleach that the NPS thinks should be added to that particular tub each day it is used, and each time it is drained.

8. Dishwashing Stations-My personal opinion regarding the dishwashing stations is that they are of minimal utility, but have a fair potential for introducing food scraps into the environment, so that SOMETHING must be done to improve the situation. While the majority of users are properly sensitized to the food scrap issue, there are still enough newcomers that this concern will continue if the stations remain. I have read several postings on internet forums regarding the installation of strainers as an appropriate accommodation without removing the stations. I generally concur in taking less drastic steps as an initial response, coupled with monitoring before more draconian measures are taken. So, once again, I would suggest a modified version of the 'No Action' alternative that incorporates strainers and monitoring over any of the other alternatives that prematurely removes something that is valued by many other users.

9. Continued Modifications-This component again seems deceptively simple, but in reality is a double edged sword.

I understand that a number of volunteers and users have helped to create much of what we see in SV in the last 40 years. There is much that we do NOT see that must be acknowledged here as well. At several points in the past, these same volunteers and users have worked with camp hosts and the BLM to build and maintain culverts and berms to help deflect floodwaters away from the developed areas of the springs. Because the nature of these modifications were scene-sensitive, they are rarely acknowledged. Some of these natural looking barriers include large forms of wood and concrete. If it were not for people taking the time to show them to me, I would not have known they were there.

Volunteers also regularly helped with maintenance of the outhouses

before the NPS installed the vault toilets, and some of those volunteers consider the installation of the vault toilets to be an inappropriate 'modification' of the area that has in and of itself encouraged more visitation of the area. If the NPS decides to move forward with the installation of tables, fire rings, and shade structures, those would be modifications as well. In other words, I think that proactive management of this area would not prematurely cut off the ability to continue tailoring the area to best serve users and the environment with further modifications.

10.Airstrip-While I do not personally use the airstrip, I have friends that do. They have shared with me stories of how air access has proven vital in several instances to the safety of people in the springs who developed health issues. While I can well imagine that the strip presents a certain level of liability to the NPS, I believe SV will be best served, and the NPS best protected if the airstrip is allowed to remain, but the NPS does NOTHING in terms of maintenance to encourage its use. This basically mirrors the current situation as reflected in Alternatives 1,2 and 3.

11.Clothing Optional-The Community Engagement Alternative mentions tribal concerns with this aspect of area use. This is the first I have heard of this concern. I like to consider myself an informed citizen, so I /am concerned that I have not heard or read of this before. It would seem very appropriate for the NPS, in conjunction with the local tribes, to develop information that would be readily available on site to educate the public about this. References to websites and compendiums that cannot be readily accessed while at the springs are of little value.

In addition, I have another sign suggestion. When I enter canyons and forested areas that are regularly visited by the public, there are often fire danger signs often posted that show the level of concern, from "low" to "moderate", "high" and "extreme". Hopefully you are familiar with these. These are not static signs; they change weekly, sometimes daily. What I propose is that the main sign that you pass when you enter the springs from the west [which should be supplemented with a sign above the upper springs] be supplemented with a second sign which can be hung from the primary sign seasonally, to inform users of tribal usage of the area. This simple sign will not only serve as notice, but provide a basis for users to make further inquiry. I intend no offense to the tribes by suggesting this, but perhaps this sign would be most effective if it

was a completely different color, like red. Something that attracts attention and curiosity.

12. NPS Staff-This has been a very touchy subject amongst users that I have spoken with. Many have stories about unpleasant encounters with staff and law enforcement. I would be the first to acknowledge that every story has two sides, and that I have never spoken at length to any law enforcement personnel in the area to hear some of THEIR stories about errant users. I personally favor an increased presence of personnel in the area, both rangers and law enforcement. The backcountry of Death Valley is large, isolated and potentially very dangerous for the unfamiliar. Having said that, I also believe that it is important to note that the QUALITY of the personnel is as important, if not more so, than their quantity.

I also believe that enactment of a formal management plan for the area will go a long way to improving relations between users and NPS/ law enforcement. There are currently too many 'grey' areas that are sources for misinterpretation, unnecessary friction and conflict, and everyone will be better served by having a comprehensive management plan to refer to. And one that has been developed in cooperation with users and user groups will go the farthest in terms of being respected.

Since I don't make a habit of attracting law enforcement by my behavior, I usually seek them out more along the lines of live information kiosks. I greatly appreciate personnel that have the disposition to be fonts of information regarding points of interest, weather, road conditions and current events. I would support the Recreation Management Alternative for staff and rangers of this caliber.

13. Law Enforcement-I have separated LE from Staff because I think it is important to note that there are separate and distinct agencies that share responsibility for this area, including but not limited to BLM and the county sheriff. I know that the BLM has jurisdiction in the valley for areas on the west side of the county road. I also know that the BLM is a cooperating agency in the development of this plan. I know that the Sheriff's office has appeared in the springs on several occasions when crimes have occurred. Obviously whatever alternatives the NPS works out for the springs, they will of necessity have to work in conjunction with rules these other agencies follow. And like I mentioned in the previous comment, the enactment of a formal management plan will help these agencies, to

the extent they have MOUs for joint enforcement, in knowing what rules must be followed in the park.

14. Camp Hosts-As someone who has been sensitized through the CAASP to the senseless acts of vandalism that are occasionally wrought on our desert assets, I have been a long supporter of hosts/site stewards. Through my direct involvement with the Friends of Last Chance Canyon, I became keenly aware of the special issues involved in keeping a host/steward on site. Responsibility [and liability] for food, clothing and shelter must be carefully worded and executed for all parties involved to be satisfied and safe. Most outsiders do not even stop to consider this. Short of hiring hosts as employees of the NPS, I believe that you almost need a separate MOU with either the host directly, or with a user group that accepts primary responsibility for the host, in order to fully protect both parties. In my opinion, having the NPS internally try to manage both sides of an MOU is a conflict of interest.

For these reasons, I once again support a modified version of the 'No Action' alternative that directs the NPS to develop further regulations for the placement and maintenance of hosts. I would be happy to volunteer my services in this regard. You may contact the Ridgecrest office of the BLM to evaluate the merits of my offer.

15. Stewardship of Recreational Assets-There are two separate and distinct elements to this topic the way it has been presented in the comparison chart: identification of the assets you wish to have help with, and identification of the stewards you wish to engage.

With regards to the assets, I note seven that are specifically addressed in the comparison chart. I will address these for now, knowing that neither the list, or the means for management are exclusive.

a. Chicken Strip-as noted under this element previously, the NPS currently has an MOU with the RAF that has a proven track record. If there are new or additional concerns that are not addressed in the current MOU, it would make the most sense to see if they CAN be addressed within the current understanding, rather than 'reinventing the wheel'.

b. Water Sampling-I have been given to understand that while the water in SV may in fact be quite usable, the NPS is

precluded from making any representations in that regard because rigorous [and undoubtedly expensive] regular testing would be required. It is easy to see why the NPS would want to reach out and include an element like this under the stewardship component. However, I think that it may be premature insofar as the NPS has yet to explore, evaluate, and formalize their own position on the use of water in SV.

I think that before considering any joint program for water sampling, the NPS should fully evaluate if this is the most appropriate option at this time.

I have read suggestions that a declaration of potability requires state licensing. The licensing requirements are way too extensive for a recreational asset. If I understand these regulations correctly, they include multi-point sampling and chlorination on a daily basis. Since it would be onerous for park staff to perform this function, it would most likely fall to the camp host/site steward, who would not doubt require some sort of formalized training. This all again presumes the NPS ultimately chooses to seek formal status for potability.

Personally, I am not sure that the NPS needs to do anything more than provide a legally-sufficient warning that the water is not potable. In many, many situations throughout the State of California, agencies have chosen to fulfill their responsibility by simply posting a Prop. 65 warning. In the area of water quality, just such a warning currently exists over the mountains from SV in the Owens Valley town of Keeler. While a Prop 65 warning may seem severe, given the fact that the water is not per se bad, it should provide the NPS with a safe haven from liability for failure to warn. If such a sign were to be posted at the dishwashing stations [see comment #8 above] I think it should be supplemented with an invitation 'for further information' to be provided at the information kiosks, where a brief statement explaining the burdens of certification would be provided.

c. Tub maintenance-With regards to tub maintenance, I think it would be very proactive for the NPS to reach out to the SPA organization to develop an initial protocol for the maintenance of the tubs, from which the NPS can evaluate both the merits of the protocol and the likelihood that SPA can be successfully

engaged in a stewardship partnership of this asset.

I would also like to note at this point that the NPS has done a very thorough job of avoiding all mention of SPA as a user group in the comparison chart, even when the term 'user group' is used in the singular sense. I personally find this obvious effort to be rather childish. SPA is not an organization akin to Lord Valdemort, whose name must not be mentioned. Far from it, SPA is a worthy organization, not perfect, but ready willing and able to step forward and try. Their sincerity is not in doubt, though their ability may be. Ironically, we have already witnessed the same from 'the other side of the table.'

d. Invasive Plant Removal- I am reluctant to spend much time in developing comment on this issue unless and until the NPS can identify with specificity which plants they intend to identify as 'invasive.' As an attorney, I am keenly sensitive to the legal repercussions used in 'loaded' terms like invasive. Further, the NPS' use of this term is not likely to engender dispassionate discourse on the subject from area users; its use usually invokes a knee-jerk reaction from the listeners.

I suggest that the NPS abandon this emotionally charged term and methodology in favor of one that identifies the plants that need to be addressed on an individual basis [palm trees, grass, etc.] Each species has its own targeted goal. Some only require suppression of further growth/expansion. Some require partial abatement. Some will require removal. I could conceivably support the community engagement option for this component IF these prerequisites were met.

e. Monitoring **Upper Spring**-implicit in highlighting ONLY the **upper spring** is the idea that the lower springs already have a monitoring plan in place. If so, it begs the question of why the **upper springs** would need a separate monitoring protocol and steward to perform it? Should the NPS choose to improve the section road between the two, it would take very little extra effort for whomever is doing the monitoring at the lower springs [presumably the host/caretaker] to handle this.

Should the NPS determine that a separate monitoring program is still needed for the **upper spring**, AND that additional people are required to perform it, they should still develop a list of

exactly WHAT needs to be monitored before performing any outreach. As a volunteer, I always like to know exactly WHAT I am volunteering for. Ambiguous expectations always lead to frustration and resentment.

f. Campsite Management- see comments above for the monitoring of the springs. The points are the same.

g. Protecting Wilderness Boundaries-In my opinion this is one area where users, especially those who profess to have a concern for the long-term viability of SV, need to 'step up to the plate.' Once the NPS has moved to identify wilderness boundaries in a manner that makes users partners in the process [as I mentioned in comment #1], users must forgo their current /laissez faire /attitude and be prepared to help the NPS to some extent with enforcement. Here, even more so than suggested above, NPS should reach out to users and user groups to jointly develop protocols for appropriate engagement. I strongly support the community engagement alternative in this respect.

16. Joint Resource Management/stewardship-I would say that everything that needs to be covered under this element has been covered above, but, the community engagement alternative has a separate component regarding education that has not been covered. I concur that the NPS should work with users and user groups to formulate standards for the threshold of overuse. This is perhaps the most essential prerequisite for the NPS to have in making further modifications to the plan. Therefore, it would be totally appropriate to engage the public, area users, and user groups in a process that promotes trust and creates solutions that users invest in.

As I stated in my initial comments on enforcement, this is an overlying concern, and should not be limited to any particular alternative. Therefore, I support modifying the two alternatives that do not currently reflect this to include them. By the same token, I resist supporting any alternative that suggests premature, and more importantly UNILATERAL, restrictions on use.

17. Cooperative Management with Tribe- I would not presume to speak for the Timbisha Shoshone. Since I don't know on what basis the different options for engagement were developed for the different alternatives, I cannot speak to motivation other than to acknowledge that their diversity will most likely cover a legal challenge to an

EIS for this management plan.

I cannot speak to the degree in which the Tribe may choose to involve themselves in future management of the area. They are obviously free to entertain how much time and resources they think they can commit to long term management. My only thought in this regard is that if and when the Tribe makes a determination, that the public be given a meaningful opportunity to view and comment on their findings prior to their enactment, and that mechanisms for dis-engagement be included in the event the Tribe cannot meet their own standards. I would presume this would be the case for any other user group, so a 'level' playing field seems appropriate.

18. Toilet Management-I for one am NOT one of the 'old-timers' who prefers the old days before the installation of the vault toilets, however I do think it is important to note that there are those who still believe this. I share the view of the vast majority of the users I have encountered that believe the vault toilets are an asset. Therefore, I would NOT support the restoration alternative of removing them.

That said, the maintenance of the toilets has been an ongoing concern, as access to SV for pumping has been at issue several times in the last decade. Users and user groups have suggested many different options, as proper waste disposal is of concern to everyone in the valley. The addition of one or more new facilities has the obvious effect of increasing capacity, alleviating concerns when contractor access for pumping is delayed by road conditions. Allowing user groups to bring in supplemental facilities for heavy use weekends has the obvious advantage of not costing the NPS any money, so it would be appropriate to consider that component of the community engagement alternative should the user groups support it.

Green toilets are another subject all together. The technology holds out a lot of promise. That said, other 'green' technologies have not 'proven out' in the long term, so I would not advocate replacing current facilities with them. It might be appropriate to consider installation of one or two 'green' toilets to monitor both their viability and their collateral effect on the vault toilets.

Once again, I am an advocate of signage, and think it would be appropriate, in conjunction with the installation of 'test' units, to include a sign to encourage their use. The sign would say

something like 'Your use of the 'green' toilets will cut down on NPS costs to bring in contractors to pump the vault toilets, which in turn helps minimize our need to charge fees for the area.'

19. HazMat Storage -It is difficult to subscribe to any alternative that suggests compliance on this subject without knowing which substances are under consideration for inclusion in the program. Different substances require vastly different containment solutions. Once again, I think that the alternative chart as it stands is over-simplistic because of this. The NPS needs to develop a list of which materials come under the purview of the regulations, solicit input from the current caretaker as well as users and user groups on their necessity, and address from their. Some materials have a 'high' value, and taking steps to comply with regulations would be appropriate. Some materials may have alternatives that are less hazardous, and replacement with less dangerous options would be appropriate. Others may have limited utility, or the cost of compliance may be prohibitively high, making outright elimination appropriate.

All of the preceding comments address only the proper storage of materials. Discussion of safe use would be of limited utility until the exact materials have been identified AND QUANTIFIED.

Since I am not willing to say that the current situation is satisfactory or appropriate, I do not support the 'No Action' alternative. That said, I support a modified version of the 'No Action' alternative that preserves the right for the NPS and user groups to jointly explore this issue and develop plans subsequent to the enactment of this plan that all parties agree are appropriate to the situation. It may ultimately turn out that the most legally supportable position for the NPS to take is the 'No Action' alternative as it stands. Without more information, I do not care to hazard a guess, much less an opinion.

Personally I think your input would be very helpful on the storage of items that most of us assume are of concern. Concerns about bleach and gasoline have been noted on forums and I assume were discussed in the public meetings.

20. Recreational Water usage-I do not support the Restoration Alternative of removing the tubs.

That said, I support all the regulatory provisions currently in the Superintendent's Compendium. I do believe that more 'on the ground' education could be useful here, as I suspect that only a small margin of users are familiar with the compendium. While the list of provisions provided in the Comparison Chart should all be matters of common sense, I regret to admit I have seen violations of both the pet and bandage rules. As I am 6'3" and have a long beard, I am seldom shy about pointing out inappropriate behavior. That said, I would still prefer being able to supplement any public voicing of my concerns by being able to point to a sign that confirms what I'm saying. As in #15[g] above, users must forgo their /laissez faire/ approach if they want to become true partners in the future of SV.

21. Auto Repair-as a licensed auto mechanic AND attorney, I am SO biased on this subject that I will reserve my opinion. That said, I think that before the NPS considers moving away from the status quo, they should formalize their concerns with the situation in writing so that the public has a better understanding of what is at stake. Virtually no one outside of the legal community understands the 'calculus of risk' without a good deal of explanation.

22. Settling Pond_I have mixed feelings about the fencing of the settling ponds. If the ponds NEED to be fenced because the NPS believes the water is unsafe for animals, it would seem appropriate to institute measures for filtering of the water from the washing stations [a primary contributor to the settling ponds] before making this decision. If the water can be made safe for the animals [and I'm not trying to be a smart-ass by saying I don't honestly know if animals have different 'safe' drinking water standards] I would not want to fence the settling ponds, because this would instinctively increase pressure on the animals to share the other water resources that humans would prefer to have exclusive use of.

I would support the fencing alternative IF the NPS first implements filtering programs that ultimately are determined to be inadequate for the protection of the animals.

23. Non-native Species-plants-This is another very touchy subject amongst SV users as well as the Park Service. My opinion on this subject is virtually the same as stated under comment #7 above: the current situation strikes an appropriate balance within the meaning of the Park's charter. Meaningful steps must be taken by both users and the NPS to preserve the status quo and prevent further 'creep'

of non-native species, just as with the modifications addressed in comment #9.

By the same logic addressed there, I also feel here again that the NPS should not prematurely prohibit consideration of further introduction of non-native species under any circumstance. For example, the NPS may some day wish to place a higher priority on controlling flood damage, and find that certain unobtrusive plants provide a superior option for soil stabilization. I do not know; I am not an expert. I just don't like prematurely cutting off options. Therefore, I support the "No Action" alternative on this issue at this time.

24. Non-native Species-Burros -Let's start off here by calling a spade a spade. My concern with this discussion is that it is a surrogate discussion driven by an unspoken agenda. How you feel about fencing for non-native wildlife is largely controlled by how you feel about the burros. In that regard, labeling them as non-native provides a certain inevitability to the discussion that not all commenters are comfortable with ceding. There are many like myself that would prefer to strike some balance that does not make us complicit in the NPS's current program regarding the burros. Fencing source pools will protect water quality, but will not do much to address the NPS' stated concern regarding the burros. It will only increase pressure on the burros to use the tubs. This will in turn create more conflict with users. The effort and the result may be seen by some as a sneaky 'back door' attempt by the NPS to engender more support from the public for the removal of the burros.

An equally plausible option that would go FURTHER in protecting public safety would be to create ADDITIONAL pools that would be for exclusive use by animals, so that fencing source pools would not put a strain on the tubs. As I said before, this is a surrogate discussion for a real and meaningful discussion on the burros themselves. My personal opinion is that the burro gathers are destined to fail, are failing already [as witnessed by Washington's suspension of all funding for gathers] and that the SV management plan may actually provide the NPS the opportunity to reevaluate their position, rather than blindly continuing to follow a failed policy. In the absence of an effective program to eliminate a problem that not everyone agrees is a problem, creating animal-dedicated pools is the superior solution. Animals, just like

water, will take the path of least resistance. If there are pools they can go to without having to come into the camping areas, they will use them.

25. Habituated Species-I fully support the Community Engagement Alternative on education, both on and off site. I have seen online discussions regarding the possible provision of bear boxes. Before considering this seriously, I would want to know if other 'desert' areas have tried using these. My common-sense based concern is that use of these containers in the warmer weather of DV may not only contribute to faster food spoilage, but make the boxes themselves a breeding ground for bacteria, making them a liability instead of an asset.

26. Cultural Landscapes- As I stated in #3 of my provisional comments, I believe all discussions regarding cultural landscapes must be preceded by a WRITTEN description from the NPS of what it considers 'cultural.' That said, I will part company with the mainstream of users that wish to seek certification of SV through formal listing in the National Register of Historic Places.

What I have learned in the context of trying to protect public use cabins in the West Mojave is that a formal request for eligibility is a high stakes, double-edged sword in which those who wish most to preserve something may end up becoming unwitting accomplices in creating a fast track blueprint for its destruction. The standards and findings necessary for including something in the Register mirror the standards and findings of NO cultural significance that immediately precede the removal of that very same thing. A recent example of this was the Sheep Springs cabin. The property, with the cabin, was deeded to the BLM, under the supervision of the Barstow office. The BLM immediately applied to the SHPO [State Historic Preservation Office] for a determination of the status of the cabin. The State provided a finding in about 30 days that the cabin did not meet the standards. Two weeks later it was bulldozed.

For this reason, though I believe that SV has compelling cultural aspects, I would not seek a finding of cultural value under the program the NPS suggests, but through some other program [as yet to be identified] that does not place the Springs in such a precarious position. Until a viable alternative is identified, I support the 'No Action' Alternative for this element.

27. Archeological Resources-While I am a strong supporter of educational programs in general, I become more reluctant, more hesitant when it comes to educating the public about archeological resources [AR]. It was a little over a year ago that the Eastern Sierra experienced the horrifying loss of petroglyph art near Bishop that the general public had been 'educated' about. While I am not saying that education is inevitably followed by vandalism, none of us can afford to ignore the potential. Therefore, protection of AR requires a more elaborate plan than 'show them or don't show them.'

On its face, the site steward component of the Community Engagement Alternative holds out potential. Educated and sensitized stewards could easily help the camp host in shepherding users gently away from AR without necessarily divulging their whereabouts.

The NPS might also want to consider a 'test' case of publicly identifying ONE specific AR in the Springs area. An area cabled off from vehicular access, accompanied by an interpretive sign, would go a long way to exposing area users to the idea that this area has a lot of AR, and would be very helpful in underscoring the need to avoid camping beyond historically-used sites and traveling off road. The test area would also provide some anecdotal evidence of how 'identified' AR are treated by the public.

Last but not least, I think it is important to note that not all AR have the same value. Both formal and informal hierarchies of value already exist, and they cannot be ignored in creating a balanced management plan for the area. I do not know much more about the AR in SV than that the majority of them consist of rudimentary hunting blinds that have been formally documented by studies available on the Internet. By the same yardstick that is used to measure cultural values, these hunting blinds have not been determined to provide anything 'unique' in terms of archeological value. This is perhaps why more has not been done to protect them other than to avoid direct identification.

For these reasons, I would support the Community Engagement Alternative.

28. Ethnographic Resources-I cannot help but find myself bristling at the inclusion of what appears to me to be a such a 'loaded' component as Ethnographic Resources[ER]. What I mean by 'loaded' is that the term is commonly considered a catch-phrase which, at the

discretion of just about anyone, can include just about anything. Why the NPS would chose to identify ANYTHING in their management plan with this term puzzles me. At best it engenders curiosity; at worst, outright suspicion.

To make matters worse, the only thing the NPS has chosen to identify as an ER in SV under the comparison chart is the native plants and vegetation management at the Upper Springs. A proper focus on ER would not only encompass the entire SV area, but would encompass ALL resource values relative to the Shoshone culture. This unusually narrow focus belies the intention implicit in the heading of the component, as well as potentially short circuits the tribe's ability to focus on any other ER other than the ones stated. I would prefer to interpret this misguided naming and focus to haste in preparation of these alternatives. So, while I believe that current Native American cultural values need to be addressed in the management plan, I cannot support any of the alternatives as currently presented, including the 'No Action' Alternative.

I believe the NPS is talking about the vegetation at the undeveloped springs well above the developed area. If this is the case, you might want to rethink your argument.

29.Bat Pole and Other Art-There is a substantial amount of overlap between this component and the discussion of cultural values in comment #26 as well as the cultural values discussion in my preliminary comments. Art is not only part of a culture, but often one of its most enduring components. Art encompasses sculpture, and sculpture often blurs and crosses the line between simple appreciation to utility. In other words, many of the improvements that users and user groups have made at the springs are also considered by them to be 'art' in its broadest sense. So once again we have a component of the plan that is ripe for the use and possible abuse of discretion. In this case however, since the art in question is part of MY culture, I feel qualified to continue.

With regards to 'new' artwork, this is by far the easiest to handle. One of the most enduring values of SV is its ability to inspire, so there is no doubt that art will continue to be produced in the area. That said, it is not the NPS' place to provide a permanent gallery for every new artist to display their talents, regardless of the merits of the 'piece' in question. It needs to be made abundantly clear that unauthorized improvements, even those which may qualify as art will be promptly removed.

That said, I do not think the NPS should preclude themselves from the option of becoming a sponsor or patron of the arts under very narrow, well-defined circumstances. The NPS could conceivably develop over time a plan to host, or at least support an annual art festival to be held in SV. I do not intend here to sketch in any more details for such a festival other than to suggest that one possible component of such a festival, part of the 'draw' so to speak, would be to have artists sketch, design, or actually build works that an appropriately selected winner would have the opportunity to incorporate into the springs. In that respect, I would consider the NPS lucky if they could hold back the flow of talent to one 'improvement' a year.

With regards to removing non-historic artwork from wilderness areas[mentioned in 4 of the 5 alternatives], I would support this, as on it's face it seems like an appropriate compromise. The two caveats to my support would be to find out who makes the determination of what is historic, and whether the areas in question were wilderness when the artwork was created.

With regards to retaining artwork in developed areas [Community Engagement Alternative] my concern is that 'developed' areas has not been appropriately defined, so support of this component would be premature.

30.Commercial Use-I support the Community Engagement Alternative's approach of 'keeping' the door open for specific authorization of commercial uses that are specifically designed and narrowly tailored to improve the use of SV for recreation. As mentioned in the art section above, I think the NPS should consider the possibility of hosting an annual art festival at the springs. Arrangements could conceivably be made at this one festival for the NPS to receive a portion of all proceeds from the sale of artwork made and/or sold during this festival.