

U.S. DEPARTMENT OF INTERIOR
BUREAU OF LAND MANAGEMENT
CALIFORNIA DESERT DISTRICT, RIDGECREST FIELD OFFICE

SURPRISE CANYON EIS
PUBLIC AND AGENCY SCOPING MEETING

MEETING TIME: 7:10 P.M.

MEETING PLACE: RIDGECREST FAIRGROUNDS

RIDGECREST, CALIFORNIA

Reported By: Natalie Davies, CSR No. 12311

1

APPEARANCES

2

3 Meeting Facilitator:

Interactive

4

By: JOHN C. JOSTES, AICP

30 West Mission Street

Suite 4

5

Santa Barbara, California 93101

6

General Public

Rich Wohlers

7 Speakers:

Jane McEwan

Ron Schiller

8

Robert Park

Red Grandell

9

Mary Grimsley

Phillip Burum

10

Jeanie Haye

Don McKernan

11

Tom Lowgry

Marie Brashear

12

Jeri Ferguson

Robert Strub

13

Jerry Sparks

Jim Haughton

14

Stan Haye

Saphia Merk

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Garry Hall

Phill Burum, Jr.

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1 RIDGECREST, CALIFORNIA
2 MONDAY, JULY 29, 2002; 7:10 P.M.
3 RIDGECREST FAIRGROUNDS

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6 MR. JOSTES: Folks, if we could get started
7 here.

8 Okay. I'd like to get started.

9 My name is John Jostes. I'm an independent
10 meeting facilitator. And we're here tonight to hold a
11 scoping meeting for the Surprise Canyon Environmental
12 Impact Statement. And I'm very glad to see the number of
13 folks that have come out.

14 We've had an earlier meeting this
15 afternoon. We started at about three o'clock. And we
16 had a good number of folks make comments. We got a wide
17 range of perspectives which is really helpful because
18 tonight what we are looking to do is to hear from you
19 about, "What are the environmental issues that the
20 Environmental Impact Statement should focus on as it
21 looks at the access alternatives in Surprise Canyon?"

22 This is the first evening of five evening
23 meetings. Tomorrow night we're holding a meeting in
24 Bakersfield; Wednesday night we're coming back up to
25 Lone Pine.

1 And, actually, it's just not evening
2 meetings. Each day we have an afternoon session that
3 goes from 3:00 until 5:00; and then we reconvene like
4 we're doing this evening, and meet from 7:00 until 9:00
5 or 9:30, depending on the amount of comments we've got.

6 From Bakersfield we go up to Lone Pine, as
7 I said. Then, next week on Monday we will be in Pasadena
8 for an afternoon and evening session; and Tuesday
9 afternoon and evening, we'll be in San Diego.

10 So through those five sets of meetings,
11 what we're looking for is smart questions, good input --
12 and when I say "good input," scoping meetings are the
13 most effective when people use them to explore issues or
14 oppose issues that need to be addressed in the
15 environmental documents so they don't have to make the
16 same comment when the drafted EIS is released.

17 By providing early input into what the
18 environmental issues that need to be addressed should be,
19 you get your comments put into the document the first
20 time around as opposed to the second time around. That
21 gives you the opportunity to say, "You've got it right.
22 Thank you for incorporating my comments and addressing
23 the issues," or "You didn't get it quite right," and you
24 make your comments on the completeness and accuracy of
25 the draft document.

1 This is one of three sets of opportunities
2 you will have to provide input into the environmental and
3 the decision-making process regarding Surprise Canyon --
4 scoping meetings.

5 Then there are public hearings on the
6 drafted EIS at which time those of you who are interested
7 will make comments about its completeness and accuracy.
8 Then there is a preferred alternative which is selected.
9 And a third set of hearings are held with regard to
10 people's feedback on that selected alternative.

11 What -- the 10 basic issues that this EIS
12 is going to focus on -- I've put up on flip chart paper
13 behind me. I know that many people can't read that print
14 from the back; but I'll try to just go over it briefly
15 for you, and that might serve as the basis for kicking
16 off your comments.

17 The document has been scoped to concentrate
18 on natural resources, cultural resources, geology and
19 soils, water quality and water quantity, air quality and
20 noise, recreation, land use and transportation,
21 aesthetics and visual impacts, social and economic
22 impacts, and wild and scenic river issues.

23 Now, the format for this evening -- we've
24 provided some yellow speaker slips. And I'm going to ask
25 the folks that would like to speak to fill those out and

1 either bring them up as they're coming up to speak or
2 hand them to me when they can get my attention when I'm
3 not scribbling on the flip charts here.

4 One of the things I'm going to be doing
5 tonight is try to summarize and take down the comments
6 that you all are making this evening.

7 We have a court reporter here, Natalie,
8 who's going to be taking down your comments verbatim, and
9 those will all be put together as a scoping report which
10 will be available to the public.

11 The alternatives that we're also seeking
12 input on -- it's not just, "What are the environmental
13 issues of focus?" but what is the full range of
14 alternatives that will make this a useful document for
15 the folks who make the decision, for the people who want
16 to have feedback into that process. Those include the
17 no-project alternative, which would provide for temporary
18 access for vehicular use into Surprise Canyon up until
19 the date that was stipulated in the lawsuit settlement,
20 which I believe is June 30 of 2004.

21 There is a series of other alternatives
22 which would be limited access, open access, closed
23 access. And we heard other alternatives earlier in the
24 day, and we're looking for you to suggest what those
25 might be.

1 In addition to listening to what you have
2 to say tonight, taking notes, and creating a record,
3 we've also provided written-comment forms, which were at
4 the door. They're two pages. They're printed front and
5 back. On the front side, there's a series of questions
6 that you may want to provide some input on and an address
7 if you want to mail that in, or you can hand it in at the
8 box at the exit door before you leave this evening.
9 That's another way of making comments. You can either
10 sign your name, or you can remain anonymous. The
11 important thing is to make your comments.

12 Also, in looking at the agenda, we've
13 established some boundaries for this evening's meeting,
14 and those ground rules are basically to help us interact
15 constructively, productively, and in a civil manner.

16 I like to run a fairly flexible meeting.
17 But I'm also known to revert to my hearing officer
18 approach and use the gavel and keep people on point. I
19 really don't care to do that tonight because being a
20 traffic cop is not that much fun, but what I am looking
21 to you to do is to be focused, not to take cheap shots,
22 to tell us what you would like to see happen, to focus on
23 the issues here. This is not a meeting that will make a
24 decision about anything. It's to help gather and focus
25 information.

1 I look to these meetings in terms of
2 dealing with differences as problems to be solved and not
3 battles to be won. At the same time, there is a
4 tremendous amount of passion and energy surrounding this
5 area, and I would be a fool to think that that passion
6 would not surface tonight.

7 I simply ask you to be civil, treat each
8 other with respect, and I'm going to try to record those
9 to the best I can and, in essence, help us get through so
10 that we can go back home to our families but, at the same
11 time, feel like we've spoken and had positive feedback
12 into the process we're undertaking tonight.

13 Let me see if I've forgotten anything.

14 Written comments, in terms of either
15 submitting this comment form that we have at the front
16 tables or providing it in any other format you wish, is
17 open until August 30. And be sure to take a look at the
18 displays that are set up around the room.

19 If you don't care to speak tonight, you're
20 going to have other opportunities. So you're welcome to
21 come to the subsequent meetings.

22 Natalie, our court reporter here, has a lot
23 of work to do tonight because she's putting what you say
24 into the words that will go into our transcript; so I'm
25 going to give Natalie a chance to make a couple of

1 comments before I open the meeting for folks to make some
2 comments.

3 Natalie.

4 This should be good to see her record her
5 own voice while she's talking.

6 THE COURT REPORTER: But I won't.

7 MR. JOSTES: Thank you, Natalie.

8 We're going to start off with Rich Wohlers
9 followed by Jane McEwan.

10 If you would, try to keep your comments to
11 about three minutes. If you can't do that, we'll try to
12 be flexible, but we want to give everybody an opportunity
13 to speak.

14 Thank you.

15 MR. WOHLERS: Do you want us here?

16 MR. JOSTES: Pardon?

17 MR. WOHLERS: Do you want us here?

18 MR. JOSTES: You bet.

19 MR. WOHLERS: My name is Rich Wohlers. I
20 am a four-wheeler, as you can see. I'm also a motorcycle
21 person. I belong to California Association of Four-Wheel
22 Drive Clubs, District 37, and the American Motorcyclist
23 Association.

24 I'm concerned on this specific issue
25 because this gets to the heart of multiple youths within

1 the desert. And this is a process we're fighting for,
2 multiple-use lands within the desert and the forest.

3 Some of the ground rules of this process
4 bother me. It's a biology-related process. It is not a
5 people process by any stretch of the imagination, and
6 that's bothersome to me.

7 It bothers me that the environmental groups
8 are able to take very large financial resources, use
9 these resources in the legal system to close areas
10 without those areas ever coming into public scrutiny or
11 out into the court system where we can get in and go to
12 court on these things. It's like being guilty before you
13 even have a trial, as a couple gentlemen in Inglewood are
14 finding out.

15 I find out that because of this legal
16 process that we're going through, I think that the BLM
17 and the Forest Service's resources are being strapped and
18 taking away they're capabilities to be able to manage our
19 properties, and that's very bothersome to me.

20 So I want to see Surprise Canyon reopened.
21 I think it needs to go through the proper process. I'm
22 not sure that this is totally the process, but it's the
23 process we have.

24 Thank you.

25 MR. JOSTES: Thank you, Rich.

1 The next person is Jane McEwan.

2 MS. McEWAN: Hi. My name is Jane McEwan.

3 And I grew up here in Ridgecrest or on the base,
4 China Lake. I've really loved the environment here in
5 the desert, the Mojave Desert.

6 I was fortunate that this spring I got to
7 work with the fifth graders of the area on the
8 Sand Canyon Environmental Education Program. Our program
9 really stressed the importance of water conservation and
10 also comparing and contrasting riparian zones with desert
11 zones -- so the riparian zone of the desert.

12 There are many species that are totally
13 dependent on the limited amount of water that is in the
14 desert. There's some -- a few species that can live just
15 on plant material, but most of the birds -- life in the
16 desert does depend on the riparian zone and water that's
17 flowing in our streams and our canyons.

18 During my research for this program, I came
19 across a website from the USGS. It's called "Status and
20 Trends of the Nation's Biological Resources." And this
21 is the section on the Mojave Desert and Great Basin.
22 It's pretty discouraging to read it.

23 I remember when I was smaller, I thought,
24 "Well, gee, how could they let things like the passenger
25 pigeon go extinct? How could they just sit back and let

1 that happen?"

2 Well, I don't think we should let that
3 happen to our unique resources in our desert. And in
4 this study they say that almost all of the region's bird
5 species depend on wetland and riparian habitats during,
6 at least, some phase of their annual cycle.

7 Among the 137 species of migratory land
8 birds that breed regularly in the Great Basin, more than
9 half are associated primarily with riparian habitats.

10 It says that throughout the arid and
11 semiarid west an extraordinary diversity of bird species
12 depends on these habitats. And degradation, destruction
13 of riparian areas are widely viewed as the most important
14 causes of the decline of land bird populations in Western
15 North America.

16 MR. JOSTES: You've got about a minute
17 left.

18 MS. MCEWAN: Now, this website is at
19 <http://biology.usgs.gov/s+t/snt/noframe/gb150.htm>.

20 Anyway, I really think it's important. A
21 lot of times we emphasize things like the rain forests.
22 And we want people in third world countries that are
23 impoverished to really affect changes there to protect a
24 resource. We have to be willing to take some -- make
25 some sacrifices ourselves to protect our resources here.

1 And we also have to study the area to see
2 which kinds of migratory birds depend on stopping off at
3 riparian areas in our desert on their migration.

4 MR. PARK: How does that have anything to
5 do with Surprise Canyon?

6 MR. JOSTES: Excuse me.

7 MS. McEWAN: Well, it does have something
8 to do with Surprise Canyon because many birds live there.

9 MR. PARK: There is no proof that we have
10 harmed it any way, shape, or form.

11 MR. JOSTES: Excuse me, sir. You're
12 going to have to let --

13 MR. ROB PARK: I'm sorry.

14 MR. JOSTES: -- the lady finish.

15 MR. ROB PARK: I'm sorry.

16 MR. JOSTES: You may have a really good
17 point, but we need to let everybody finish.

18 MR. ROB PARK: I apologize.

19 MS. McEWAN: I would just like to respond
20 that there are many different birds that depend on the
21 water and the riparian habitat. That's the habitat along
22 the water, in the creek coming down Sand Canyon. That is
23 the water supply for the wildlife of that area.

24 UNKNOWN: That's Sand Canyon.

25 MS. McEWAN: Oh. I didn't mean

1 Sand Canyon. I meant Surprise Canyon. Any canyon with
2 water, animals are depending on it.

3 MR. JOSTES: Ron Schiller, followed by
4 Robert Park.

5 MR. SCHILLER: My name is Ron Schiller. I
6 represent the High Desert Multiple-Use Coalition based
7 here in Ridgecrest, California. And I have a prepared
8 written statement that I would like to read.

9 The most objectionable aspect of this
10 proposed action is that it was conceived by wealthy
11 environmental extremists and is being foisted upon the
12 public through the Courts via an illconceived management
13 agreement signed by the BLM.

14 According to a press release and
15 newsletters from environmental groups, Surprise Canyon
16 has been closed to off-roading as a result of a
17 Center for Biological Diversity lawsuit settlement. This
18 appears to be confirmed by a BLM news release dated
19 February 14, 2001, regarding the original emergency
20 closure of Surprise Canyon. The BLM news release states,
21 "BLM is implementing the emergency closure in response to
22 the lawsuit filed by the Center for Biological Diversity,
23 the Sierra Club, and the Public Employees for
24 Environmental Responsibility regarding the Endangered
25 Species Act." However, there is no federally listed

1 species associated with Surprise Canyon. The most recent
2 federal register notice of intent to prepare this
3 Environmental Impact Statement only mentions several
4 "sensitive" species and riparian issues associated with
5 the proposed EIS.

6 Issues have been raised regarding the
7 effect that the use of vehicles in Surprise Canyon might
8 have on water quality. However, it must be noted that
9 water quality was monitored before, during, and after the
10 last BLM permitted OHV event that occurred in
11 Surprise Canyon. According to the monitoring results,
12 there was no significant or permanent change in water
13 quality associated with the event.

14 The road associated with Surprise Canyon
15 has existed since the 1870's and is historically
16 significant. The road is also an Inyo County road and is
17 currently listed on the Inyo County list of roads to
18 maintain.

19 Congress, in the California Desert
20 Protection Act of 1994, clearly intended that the
21 corridor associated with the road to Surprise Canyon
22 remain outside of the surrounding designated wilderness
23 and available for uses that are incompatible with
24 wilderness designation. We contend that this includes
25 vehicular access to Panamint City.

1 We request that the following be analyzed
2 in the EIS: One, the extent to which motorized access
3 would affect the use of water by wildlife. An analysis
4 must consider the relationship of other water sources
5 available nearby and within the ACEC.

6 Two, an analysis of the economic impact
7 that the loss of this recreational opportunity would have
8 on nearby communities, including the loss of revenue that
9 would result in the elimination of organized events that
10 have historically been associated with this area.

11 Three, an analysis of the cumulative
12 effects that the closure of Surprise Canyon would have on
13 motorized recreation that has historically taken place in
14 the California Desert Conservation area. The analysis
15 should take into consideration the loss of recreational
16 opportunity that might be associated with the ongoing
17 West Mojave Plan, the Northeast Mojave Management Plan,
18 and the Northeast Colorado Management Plan.

19 Four, an analysis of the potential for
20 mineral development in the area of Panamint City.

21 And, five, the analysis of how private
22 property owners will be able to access their private
23 property in the Panamint City area.

24 We request that there be an alternative
25 considered that would allow full access to Panamint City.

1 The alternative considered should consider the full range
2 of possible improved routes in Surprise Canyon including
3 maintenance to allow access using high standard clearance
4 four-wheel-drive vehicles, grated dirt access roads, and
5 paved access to Panamint City.

6 In conclusion, we are extremely offended by
7 the nature of how this proposed EIS has come about
8 through the federal courts and the way the associated
9 desert issues have been handled by the BLM. We believe
10 that the BLM has become no more than an extension of the
11 wealthy environmental extremist groups by catering to
12 their every whim. We can only hope that in the future
13 the BLM will more fairly represent the public's concerns
14 and those in rural communities.

15 And please include us on any mailing lists
16 for distribution of information regarding this issue.

17 Thank you.

18 MR. JOSTES: Thank you, Ron.

19 Next person is Robert Park.

20 MR. ROBERT PARK: Good evening. I don't
21 know the language that most of these folks are using, the
22 abbreviations and all of that. It's got a purpose, and
23 I'm sure there's something to it.

24 I, myself, am an individual four-wheel
25 driver. I drive a Toyota. Okay. We used to run up and

1 down Surprise Canyon occasionally on a recreational
2 basis. We didn't tear anything up. We didn't spoil a
3 man's water. Some of our friends came from out of town
4 to enjoy Surprise Canyon and Panamint Valley.

5 We were up there one time at the bottom of
6 the Canyon, an elderly gentleman came up, and he says,
7 "You know, in the old days, I used to drive a diesel
8 truck up there, and I delivered most of the mining
9 equipment up there. But there's no way I can get up
10 there now. Can I ride with one of you guys up there to
11 see what it looks like now?" We were more than happy to
12 have him ride along with us.

13 There are people like myself -- I couldn't
14 climb up there. There's a lot of events that happen in
15 this area, Panamint Valley Days, several others, which
16 would have and have had an economic impact on the area.

17 They did a water quality study before
18 four-wheel drive expedition up, during, and after with no
19 change in the water quality.

20 As far as migratory water fowl and such as
21 that in whatever it is kind of area, I've never seen any
22 migratory birds in Surprise Canyon, but there might be
23 some. I don't know. As far as any other strange
24 critters, I've never noticed any. I've walked the Canyon
25 several times.

1 When I didn't have a four-wheel drive, I
2 took pictures of other people. And I looked at the water
3 and saw little mosquito fishes and things like that.
4 They were none to worse for wear.

5 There are quite a few people who would like
6 to see Surprise Canyon open, see Panamint City, see the
7 area up there. We don't want any road improvements. We
8 don't want any pavement. We're not asking for anything
9 other than just open it. Let people use it. That's all.
10 We don't want any construction. We don't want any
11 improvements. We don't want billions of tons of earth
12 hauled in, underwater gutter pipes, and such; just open
13 it. That's all.

14 It would be a boom to this area
15 economically, geographically. A lot of people come here.
16 And for the locals, we're not hurting anything up there.

17 We didn't demise on the saber-toothed
18 tiger. And I don't think we're going to have any problem
19 with anything that's up there now.

20 And thank you for -- an individual.

21 MR. JOSTES: Thank you. The next speaker
22 is Red Grandell.

23 And I don't have any more speaker slips; so
24 if you would like to speak, I would sure like to get
25 them.

1 THE COURT REPORTER: It's right here.

2 MR. JOSTES: Okay. Good.

3 MR. GRANDELL: I'll play my guitar, and
4 I'll sing to you. I'm not a public speaker, but I've got
5 some bellyaches.

6 First of all --

7 MR. JOSTES: Can you pull that up a little
8 closer to you so that we can hear you?

9 MR. GRANDELL: Willie Nelson. Okay.

10 MR. JOSTES: Good.

11 MR. GRANDELL: Okay. First of all, I'm
12 real tired of the federal government wasting my tax
13 money. They're doing all of these studies on all of
14 these fishes and these birds and things. It's a waste of
15 money; it's a waste of time.

16 You people need to go find a job that
17 produces something besides paper.

18 This road in Panamint City, I walked up
19 that road the first time 30 years ago because I didn't
20 own anything that could drive up it. About 10 years
21 later, I had something I could drive up there; so I drove
22 up there. Now that road is closed. I can't take my
23 grandson. I can't walk it now. I'm tired of it.

24 All of these Sierra Club, biodegradable
25 people, all of them there (indicating). They all put me

1 in the mind of Ku Klux Klan and Hitler. All they want to
2 do is take, take, take. When is it going to stop? When
3 you've got us all behind barbed wire fences?

4 Thank you.

5 MR. JOSTES: Thank you.

6 MR. HAYES: This is in violation of the
7 ground rules right there (indicating).

8 Are you going to allow it, or are you going
9 to clamp down?

10 MR. JOSTES: I'm going to keep things
11 moving here. And I do not want to see any insults or
12 cheap shots to any person or organization. This is about
13 listening to each other. We're recording this down.
14 Everybody has a right to free speech, but everybody has a
15 right to need for a civil attitude when they get together
16 and speak at these things.

17 And I appreciate you for bringing it up.

18 Okay. The next person is Mary Grimsley,
19 and she'll be followed by Phillip Burum. I hope I
20 pronounced that correctly.

21 MR. BURUM: Pretty close.

22 MR. JOSTES: Okay. I'm trying.

23 MS. GRIMSLEY: Mary Grimsley. I'm a member
24 of the Gear Grinders Four-Wheel Drive Club of Ridgecrest,
25 California Association of Four-Wheel Drive Clubs, the

1 Blue Ribbon Coalition, High Desert Multiple-Use
2 Coalition. I have been doing land use since 1976, since
3 the FLPMA and all that.

4 I first went up Surprise Canyon in 1970,
5 took my son. I would like to be able to take my
6 granddaughter and grandson to see Panamint City. I could
7 walk -- I've hiked to the top of the falls, but that is
8 the extent of my hiking abilities. And I know my
9 grandchildren can't do that. And it's very historic, and
10 I would like to continue to be able to take my
11 grandchildren there.

12 Some of the things that I would like to see
13 in the EIS -- I would like to see the water quality study
14 that was conducted before, during, and after the last
15 Panamint Valley Days be included. I would like to see
16 the historic road uses since 1874. They should be
17 considered and included in the EIS.

18 I have been going up -- as I said, up
19 Surprise Canyon since 1970. My perception and memory
20 leads me to believe there is more surface water flowing
21 today for a longer distance than in 1970. I feel that if
22 any water flow records, if any, if they were kept, should
23 be included in the EIS.

24 Mother Nature does way more damage than
25 four-wheelers or anything -- mining or anything could

1 ever do to that canyon, and it should be reopened.

2 Thank you.

3 MR. JOSTES: Okay. The points are well
4 made. I don't think the clapping adds, other than it
5 takes more time to get through the evening.

6 The next person is Phillip Burum. He will
7 be followed by Jeanie Haye.

8 MR. BURUM: Thank you. My name is
9 Phillip Burum. And I would like to qualify -- excuse
10 me -- has anybody lived in this valley 30 years, if you
11 have, would you raise your hand.

12 Thanks.

13 Has anybody lived here 40 years? Raise
14 your hand.

15 Has anybody lived here 50 years? Raise
16 your hand.

17 Has anybody lived here 55 years?

18 Ah, got you all.

19 By default, I am your longest living
20 scientific study of research. And, folks, I'm here to
21 tell you that the desert is doing fine.

22 The only changes I see in the desert come
23 with the change in the weather and the year. Some years
24 we have more water; some years we have less. Depending,
25 we have a lot more jack rabbits; a lot more coyotes.

1 They talked about Surprise Canyon. My son
2 and his club has been up it quite a few times. I have
3 yet to go up it. I told him that I was going to; but
4 before I could, it got closed. I'd love to see it open.

5 I've got some beautiful pictures of it.
6 I've seen the places that they keep maintained up there.
7 I see how they keep camp, how they clean up, and how they
8 restore. I've seen where they go out with the BLM and
9 work and keep things going.

10 I'm also here to tell you that the only
11 endangered species in this valley are the people who live
12 in it. And it's got an extremely high cancer and
13 leukemia rate.

14 And I would sincerely appreciate if the
15 Sierra Club would donate some of their time and money to
16 that cause, the real endangered species and back off a
17 little bit on our grounds where we live -- play and live.
18 It's our natural resource. It brings industry. It
19 brings tourists in. It's our livelihood; and when you
20 have nothing better to do than start closing these
21 things, you're killing us.

22 Thank you very much.

23 MR. JOSTES: Please don't make me go into
24 hearing officer mode. I really don't want to do it. But
25 I'm prepared to sit down here and use this gavel to keep

1 this thing moving forward. Okay?

2 Okay. We've got Jeanie Haye.

3 And I don't have any other cards. So I'm
4 looking for other speakers who would like to speak. We
5 would like to hear what you have to say.

6 MR. JOSTES: Jeanie.

7 MS. HAYE: Thank you. My name is
8 Jeanie Haye. That's J-e-a-n-i-e; last name Haye,
9 H-a-y-e.

10 And just as a response to the last speaker,
11 I'd like to point out I know many of you know I have
12 friends with very different opinions. But you know that
13 we have active Sierra Club people who live and care and
14 believe and vote right here in Ridgecrest. We're not
15 some far off group that doesn't care. We live here, and
16 we do care, and I think many of you know that.

17 I have a couple of questions. One is:
18 What is the most current inventory report on ecological
19 resources in Surprise Canyon?

20 I'm curious what areas of the Canyon may be
21 covered in reports, what has been discovered about
22 sensitive species. And I'm also curious, do people do
23 reports on aesthetic, visual, lack of noise resources? I
24 think that would be very helpful. I don't know if
25 there's the money to do it. But it would be nice to see

1 what that kind of a study would produce.

2 One other comment, there are many of you
3 who talk about not being able to get up Surprise Canyon
4 by foot, and I share that. But I have a difference, and
5 that is I would rather leave the Canyon in peace than
6 have it made so that I could go there. I love the land
7 enough to leave it alone. That may not be something
8 everyone agrees with, but it's just something that I
9 believe.

10 Thank you.

11 MR. JOSTES: Okay. Is there anybody who
12 would like to address and make a comment who has not done
13 so?

14 The gentleman in the back, if you would
15 come up, just briefly right your name down so we know who
16 you are.

17 Thank you.

18 MR. MCKERNAN: My name is Don McKernan.
19 I'm sorry. I didn't feel out one of those.

20 I have been living in Ridgecrest since
21 1944. It doesn't make me the longest living person in
22 the world, but we've enjoyed the desert for a long number
23 of years. And we've mined in Happy Canyon. We walked up
24 and down Surprise Canyon, used the road.

25 And there are many, many things there that

1 you will never see anyplace else in the world. I'm not
2 real content to have them fenced off. But you can go up
3 there and see mine tunnels that were drilled in the late
4 1800's that are in very good shape today. You can see
5 other buildings that were built, roads that were built on
6 the side of the mountain. And it's quite interesting.
7 It's an interesting thing for the people of the valley to
8 go see and any tourists that come. My dad and I did it
9 for years until he died.

10 I think that we should look at the
11 possibility of leaving it open. I think there are many
12 things you can do according to the Desert Act that will
13 leave that road open up there, and I think we should do
14 it for the people.

15 Thank you.

16 MR. JOSTES: Tom Lowgry.

17 MR. LOWGRY: I just got here. So I haven't
18 heard a whole lot of what's been said, but the feel of
19 these meetings is pretty much the same. You know, one
20 group doesn't want the four-wheelers tearing up the
21 environment.

22 This is an issue where the four-wheelers
23 have been going there for years, for decades. That road
24 has existed for about 100 years. It was a
25 horse-and-buggy trail, a grated road.

1 If we were doing so much damage, there
2 wouldn't be anything left up there to protect. It's
3 obvious we're not destroying the landscape because,
4 otherwise, nobody would be fighting for it. It just
5 seems to make sense to me that we seem to be doing and
6 okay job of protecting it.

7 MR. JOSTES: Thank you.

8 H. M. Brashear, followed by Jeri Ferguson.

9 MS. BRASHEAR: These are a few follow-on
10 comments. I probably should tell you who I represent.

11 MR. JOSTES: Why don't you state your name
12 and your organization.

13 MR. JOSTES: My name is Marie Brashear. I
14 represent the Alliance for Wild Lands Access, the
15 California and Desert Coalition and the World Rockhound
16 Association. I also speak for the Society for the
17 Protection and Care for Wildlife, who has a big war going
18 on at the moment with the National Park Service in
19 East Mojave because they're killing bighorn by not
20 allowing water, by removing water sources that exist
21 there. So not all agencies are benevolent.

22 There are a couple more issues that I want
23 to add to what I said earlier. As we are all suffering
24 from the -- I hesitate to call them biohazards -- but the
25 hazardous materials in the air generated by the fires

1 over in Sequoia. Probably an environmental justice issue
2 that needs to be considered in this EIS is the fuel
3 loads, the impact on rural communities, not just in the
4 Panamints. But the Inyo Forest starts just a few miles a
5 way. So what happens over there could spill over into
6 the Panamints; so I think we need to look at that issue.

7 I also think we need to look at the issue
8 of how many times that canyon has had flash floods that
9 we know of since records were kept. The BLM's own little
10 piece talks about -- that you picked up over there
11 (indicating) talks about that the last flood took out the
12 riparian habitat everybody seems to be here to fight
13 about. So we might need to also look at how long it
14 takes to recover that habitat, how many years, and how
15 many years in between the floods.

16 And I think we need to look at the issue --
17 and it was sort of stated earlier, but I'm not real sure
18 it was stated clearly by someone else. The sacrifices
19 were made when the Desert Protection Act was passed. Of
20 the 11 streams in those mountains, perennial streams in
21 that neck of the woods, 8 of them are in wilderness
22 areas. A car can't drive over them. A four-wheel drive
23 can't go near them. The riparian habitat in those areas
24 are protected. The species who use the riparian habitat
25 can still use it. So what is happening here is that the

1 remaining 3 streams that are left. One of them which
2 Congress said should remain accessible when it passed the
3 Desert Protection Act is proposed for closure through a
4 backdoor action by some groups who feel they know how the
5 world ought to be run.

6 Thank you.

7 MR. JOSTES: Okay. I would like to hear
8 from Robert Strub, is it?

9 MR. STRUB: You called her name next.

10 MR. JOSTES: Okay. Jeri. Jeri Ferguson.

11 MS. FERGUSON: That's okay. I'm paying
12 attention.

13 Hi. My name is Jeri Ferguson, again,
14 F-e-r-g-u-s-o-n. I am the California Association of
15 Four-Wheel Drive Club's natural resources consultant. I
16 am also on the Desert Advisory Council.

17 I'm going to take off my Cal Four-Wheel hat
18 for a minute, and I'm going put on my single-parent hat.
19 I was a single parent from the time my son was born. I
20 got involved with four-wheeling when he was about
21 six-years old. He learned the values of camping, working
22 together, cleaning up the land. His friends think he's
23 whacked because he'll stop and pick up trash. And, you
24 know, these are values that he learned through the
25 four-wheel drive community and through the fine folks

1 that I have met in my lifetime as being a four-wheeler.
2 I could never have done that without a vehicle. You
3 can't load up a kid and camping equipment and hiking, you
4 know, and hike. I just would have never been able to do
5 it. This was very important in raising my son as a
6 single parent.

7 And now he's 22. And when I talk to him,
8 that's his memories -- is camping and four-wheeling and
9 being out and doing the campfire and the family thing
10 because he didn't have a parent, you know, a father.
11 So that part was very important to me.

12 Now, I'm going put back on my other hat.
13 There seems to be -- everybody's focus seems specifically
14 on Surprise Canyon and not the other issues. I hear all
15 the time that, "Well, you guys need to four-wheel in the
16 appropriate places." I'd like to know where the
17 "appropriate places" are that the anti-motorized people
18 would like us to four-wheel.

19 You know, you guys need to figure out where
20 you want us to go because you guys keep telling us where
21 we can't go. Traditional places that we've used for
22 years and years and years. You know, the Imperial
23 Sand Dunes and South Dunes, all of the sudden everybody
24 has decided, "Well, that's the expert place --" or, you
25 know, "the total experience to go hike," all of the

1 sudden.

2 Surprise Canyon all of the sudden is the
3 experienced place to go hike. You don't go out; you
4 don't hike Happy; you don't hike the other canyons that
5 are close. Why not?

6 If you want quiet and solitude, you know,
7 Cal Four-Wheel is more than happy to get a nonmotorized
8 recreation grant to educate the anti-motorized people
9 where they can go for their solitude and quiet.

10 The ACEC Plan. There's been an ACEC plan.
11 There's been an adopt-a-trail -- never did BLM come up
12 and tell the Adopt-A-Trail Club there's been problems on
13 that canyon with erosion, with trash, with any type of
14 issues up there. They never ever did that. So what is
15 the problem?

16 If the BLM couldn't come to us in the last
17 12 years and tell us what the problems were up there --
18 the ACEC plan has worked fine.

19 And the next subject I have is Briggs Mine.

20 THE COURT REPORTER: Is what?

21 MS. FERGUSON: Briggs, B-r-i-g-g-s, Mine.
22 There is an expansion, and I'm not opposed to the
23 expansion. It's another multiple use of the desert. I
24 had a gentleman call me up and saying, "We should be
25 opposed to it." But why should I? You know, that's a

1 multiple use of the BLM. That was the whole purpose why
2 parks was set up, was to protect the resources on the
3 other side of the hill, like Dove Valley, and this side
4 of the hill is to be used.

5 And I found out that they're cutting how
6 many miles of roads up there. So here's an existing
7 route that's been there since the 1800's, which only
8 encompass -- I don't know how many square acres -- if you
9 just total it out, out of a big Panamint Range. And it
10 just seems like everybody is just focusing on this one
11 small area. And we're not looking at the whole impact of
12 the whole Panamint Range.

13 And that's all I have to say.

14 Thank you.

15 MR. JOSTES: Thank you. Robert Strub,
16 followed by Jerry Sparks.

17 THE WITNESS: Okay. My name is
18 Bob Strub --

19 Can you all hear me?

20 -- spelled S-t-r-u-b.

21 Earlier in the afternoon, I spoke to the
22 subject of environmental justice, and I spoke with a
23 number of other items in regards to building blocks for
24 the perception of environmental justice.

25 Now, if you take this one document that's

1 going to be produced here, all it is is a study of this
2 ACEC where Surprise Canyon is; and if we keep on chopping
3 things into small little portions, we never receive a
4 balance. But there are a lot of things that are being
5 done with plans, and there are a lot of things that are
6 being done in lawsuits, and they threaten the stability
7 of the future of Trona and its water sources.

8 So, yes, I've asked for a study and the
9 alternate to explore the existence of damming, and that
10 might seem foolish. But it also could be taken as a
11 rhetorical question.

12 The very first time of the Wild and Scenic
13 Rivers Act basically says it's to determine where dams
14 should be built and where they shouldn't.

15 Well, if we look at the Panamint Valley,
16 we've got a lot of rivers that are not only in wilderness
17 but also boarder wilderness. When they boarder
18 wilderness, you can't put a dam there -- can you? -- not
19 without a boundary line adjustment. And when you try to
20 create wilderness and when you reserve rights for water
21 in the wilderness, you limit the future in the
22 Argus Range of where Trona can get water.

23 And so that's not going to be studied in
24 this plan. That's a separate item, a nonscoping issue,
25 maybe. That's why the environmental justice study needs

1 to be done.

2 And then we get the big, big, big city of
3 Ridgecrest. And you say from L.A., "It's just
4 Ridgecrest." Well, compared to Trona, it's got a lot of
5 elbow room and a lot of power. And there are
6 directors on their water board that have had discussions.
7 And some of them have stated publicly that Trona takes
8 too much water, and we need more of it. So our existing
9 service is threatened, and that's where we have been
10 getting our water for 70 years. Now we can legally fight
11 for it. But you don't always win the right fight, do
12 you?

13 And the Center for Biological Diversity
14 lawsuit, Fifth Part, Sections 8 and 18, specifically
15 attack the future ability to get water. They want to
16 remove the rights to the springs. They want to reserve
17 the rights to springs in the wilderness.

18 And then the Boxer Bill currently does not
19 have -- the Boxer Bill for Wilderness currently does not
20 have Great Falls Basin as a proposed wilderness. But,
21 you know, it's going to be on there again, and when it
22 becomes a wilderness, they're going to say, "Reserve all
23 of those waters in those springs." And that's where
24 Trona got its water before it came to Ridgecrest in the
25 1920's and 30's.

1 So this issue of environmental justice also
2 speaks to Trona as being a minority. We are
3 incorporated. A lot of us are seen as being just miners
4 that aren't necessarily liked in the broad category,
5 especially with misrepresentations, politicians, and
6 press as far as what this mining does for the local
7 community and for the broader community. And, generally,
8 the income is fairly low. And all of those -- we're all
9 alone out there. All of those items situate ourselves as
10 a candidate for environmental justice studies.

11 Thank you for your time.

12 MR. JOSTES: Thank you.

13 The last speaker is Jerry Sparks.

14 Jerry.

15 MR. SPARKS: Hi, there. My name is
16 Jerry Sparks. I'm speaking about Issue No. 9, which is
17 economic impact. I'm a small business owner. My
18 partner, we both have small families, two kids a piece.
19 But I want to talk about some of the economic impacts
20 such as our small business.

21 We -- let's see. About -- to this day,
22 we've spent, about, almost \$30,000 on steel. We're a
23 small welding outfit. We buy our paint from H & E. It's
24 a local business. We buy all of our welding supplies,
25 gases, wire, equipment from Praxair, another local

1 business. We buy our fuel from the Texaco station.
2 That's another local business. We pay the Swap Sheet to
3 advertise. We make products for a lot of local
4 businesses also all of the four-wheel drivers. We're
5 also a part of the Pirate Four-by-Four Network. We see
6 on the average of 5,000,000 page views a month.

7 But that all, in turn, generates business
8 for us. We are a main point of contact for the, more or
9 less, hard-core -- we are a point of contact for the
10 hard-core four-wheel drive outfits. We stand to make
11 money.

12 We talk about impact. There's a huge
13 impact here on a small level, of course. We're not the
14 big wheels. We don't make this town go round, but we're
15 doing our part.

16 On top of that, we enlist the help of two
17 other machine shops in town -- Metal Concepts,
18 Cook's Machine Tool. We add source to them, as well.
19 They have families of their own. They make a living by
20 making our four-wheel drive products.

21 You know, it's something to think about.
22 We don't stand on the front lines. We're just off to the
23 side. But no one ever sees us, but we are here; so keep
24 that in mind.

25 MR. JOSTES: Thank you. Okay. I've taken

1 down probably 14, 15 --

2 Oh, good.

3 You're up, Jim.

4 MR. HAUGHTON: Good evening. My name is
5 Jim Haughton. I was born and raised in Trona. A fact of
6 which I'm extremely proud of. I want to remind Bob that
7 I'm going to suffer any illusions about people caring one
8 twiddle about Trona. I don't take offense to that. It's
9 just a reality.

10 An interesting environmental issue that's
11 come up recently regarding that is Fish and Games
12 interesting -- what I call an extortion, but I don't want
13 to be sued here -- but using the law to hassle this
14 company, a spokesperson for whom I am not.

15 Anyway, multiple land use should be -- I
16 can't think of anything stronger than multiple land use
17 as the key criterion for using the land, for using the
18 desert. And some ample -- I don't want to say ample.
19 Some excellent cases have been made here already for how
20 that can be done and not harm -- if you have been in the
21 Panamints, been in that canyon, you know that it's real
22 hard to harm much off the bottom of the Canyon floor
23 because it's extremely rugged terrain; but multiple land
24 use should govern.

25 And the fictions that nullify multiple land

1 use so that we have this concept, but we really don't
2 because they're nullified by things like, you know, these
3 special arguments about water quality, a stream that
4 comes out of the ground and goes back into the ground and
5 flows to a salt lake. To even argue that water quality
6 is a problem or an issue, I find most interesting.

7 The duplicity by environmental groups, this
8 lawsuit -- no, better than that. The lady's point about
9 11 waterways, one of them specifically could be excluded,
10 and down the road -- guess what? -- by the back door it's
11 taken out of the loop. That's fair. That's like
12 stealing fair and square. There's nothing wrong with
13 that, if that's where your honesty is.

14 MR. JOSTES: Jim, I'm going to ask you not
15 to take cheap shots, and second guessing what other
16 people --

17 MR. HAUGHTON: What are the cheap shots?
18 Stealing or what?

19 I'm a public educator. So I'm still
20 working on my political correctness, which it's going to
21 take a long time for me. Believe you and me.

22 The legal ledger domain, which I considered
23 the case by the group out of Tucson to be, to take up an
24 issue and get this thrown into a hands-off status from
25 which we, the People, have to get our land back out of

1 the hands-off status because it was a compromise deal in
2 some lawsuit.

3 One of the real nullifiers of multiple land
4 use is data. And I'm not a moron or don't believe in
5 looking at data. But studies and data and research, we
6 all know you can take research and guide it wherever you
7 want it to go.

8 Is there any greater case than putting this
9 muddy sometimes stream up there under the Scenic Rivers
10 and Navigatable Waters Act with the United States?

11 Can anybody seriously contend that that was
12 the intent of the law at the time?

13 Now, maybe that muddy little trough up
14 there can be -- it is scenic, of course. But -- well,
15 navigatable for sure. In a flash flood in that canyon,
16 it's navigatable.

17 The duplicity of the law which I consider
18 the Scenic Rivers Act to be -- anyway, if there's any
19 doubt. I think that this canyon should be available to
20 the public, to their vehicles, and, of course, it can be
21 monitored. But the use over the years has been
22 documented. And it can be used and has been used, and I
23 don't think it's harmed a thing.

24 It's interesting -- is it not? -- by the
25 way, on a closing note, how you can by civil justice with

1 money just like you can criminal? That is, take out
2 lawsuits.

3 And I think, by the way, in this case, our
4 friends at the BLM -- and a term I use very loosely,
5 nothing personal -- were in a squeeze because they had
6 the law used against them. They hadn't gone out and
7 catalogued and studied all the birds and the bees and so
8 forth, which for all I know, can take 20 years and
9 10 times the budget they have.

10 So, anyway, the Canyon should be left open.
11 There's not going to be many using that canyon if the
12 road isn't maintained by somebody because God can see to
13 it that there is no road there after a few years.

14 Thank you.

15 MR. JOSTES: OKay. Stan Haye, you're up.

16 MR. HAYE: My name is Stan Haye. I live in
17 Ridgecrest now. I've lived in the Owens Valley for
18 25 years or so before that.

19 Just one note that should be included in
20 the EIS is to check -- I do not believe the road above
21 Chris Wicht Camp is a county road. It has never been
22 maintained by the County. That should be checked out
23 with the Inyo County Road Department. It has been
24 maintained by people like Dave Pruitt and
25 O. J. Ostringer (phonetic), the Novaks and so on, not by

1 the County of Inyo above Chris Wicht Camp.

2 The second thing we need to put in the EIS
3 is whatever management plan is adopted, enforcement and
4 monitoring are a vital component. And a lot of people
5 are responsible, of course. And, in fact, most users are
6 responsible, but we have to worry about those who are
7 not.

8 One other thing is if we're worried about
9 the cost of managing public land, the absolute cheapest
10 way to manage public land is to close it to vehicular
11 use. That is the absolute cheapest way. Therefore, I
12 guess, the cheapest thing to do to Surprise Canyon is to
13 close it.

14 One other thing for those who are worried
15 about the cost of lawsuits, various organizations did sue
16 the BLM over technical points about management of the
17 desert. They weren't fulfilling the law.

18 It's interesting to note, now, that
19 Off-Highway Vehicle organizations have just recently
20 filed two lawsuits against the BLM over exactly the same
21 kind of noncompliance of technical rules and regulations.
22 So I guess if the OHV users were really worried about the
23 paperwork and everything, they wouldn't file these
24 lawsuits, I suppose.

25 And one last thing, open use does not mean

1 that every square foot of land should be open to
2 everything. "Open use" means that land is classified.
3 Some of it is used for some things and others used for
4 others.

5 Thank you.

6 MR. JOSTES: Thank you.

7 Come on up. Saphia Merk.

8 MS. MERK: My name is Saphia Merk.

9 Everybody calls me "Sam."

10 Well, I didn't come with a prepared speech
11 this time. And on the EIS, I would like to bring up the
12 fact that water quality/quantity, sensitive species, fuel
13 loads, sociohistoric, cumulative, and recovering habitats
14 all should be brought up.

15 There, again, I also realize that in the
16 Panamint Mountains -- and I've only been going up there
17 since '66. The first time I went up there was with the
18 Trona Search and Rescue. The second time I went up there
19 was with Joe Ostringer. And at that particular time, if
20 I remember correctly -- I could check the records -- but
21 I believe that Inyo County was grating the road up beyond
22 Chris Wicht's. Now, I can't remember exactly how far up.

23 Now, I know that there was a big flash
24 flood in '68, and after that they stopped grating as far
25 as they used to and would only grate as far as

1 Chris Wicht's. But I believe, even looking at the old
2 books in Inyo County, that it was graded before that.

3 One other thing, too, in the
4 Panamint Mountains you do have 11 perennial streams. And
5 the most interesting thing about this particular
6 Surprise Canyon aspect is the fact that in the NEPA
7 (sic)-- in the NEPA regulations, in the original scoping,
8 they did not do a water analysis. So, therefore, they
9 did try to get this in by the back door. They tried to
10 put it under the Wild and Scenic Act. And to me that is
11 wrong. It is wrong by an agency to do that. I don't
12 want to call it names. It's just wrong. You just
13 shouldn't do things like that.

14 Another thing that has not been brought up
15 is the fact that in the Panamint Mountains, you have the
16 Panamint Shoshone Indians, and has anybody asked them
17 what they want.

18 I think the BLM sometimes do not look at
19 all the different avenues that they should. I believe,
20 in multiple use for all the people, not just a select
21 group.

22 Thank you very much.

23 THE COURT REPORTER: Don't go anywhere. I
24 have a question for you.

25 Did you say "NEPA"?

1 MS. MERK: You know what I meant? I meant
2 "NEMO" instead of "NEPA."

3 MR. JOSTES: Okay. Next we have
4 Garry Hall, followed by Phill Burum, Junior.

5 MR. JOSTES: Any other speaker slips?
6 Going once? Going twice?

7 MR. HALL: Hi. I'm Garry Hall from
8 On-The-Rocks Four-Wheelers and Cal Four-Wheel. We had
9 somebody -- I believe it was the lady in white with the
10 blue dress spoke earlier about wild and scenic
11 waterways. Surprise Canyon is only a waterway for about
12 seven tenths of a mile. The rest of the time, it's below
13 the rocks and gravel.

14 There was some talk earlier about paved
15 access to Panamint City. I think that would be a
16 horrible mistake because it would allow people to go up
17 there that don't care about the area. As hard as it may
18 be to believe, most of the four-wheelers -- in fact, all
19 of the four-wheelers that go up to Surprise Canyon and
20 places like that are very dedicated to what they do, and
21 they are actually environmentalists. And the opposite to
22 that would be anti-recreationalists.

23 That road originally went to a town of a
24 thousand people or more, which is what Panamint was. I
25 don't think we should be disallowed from going up and

1 visiting that.

2 And I would like to know how many jeopardy
3 opinions from the Fish and Game Department have been
4 filed in Surprise Canyon or, for that matter, the whole
5 Panamint Range. I think that's about all.

6 MR. JOSTES: Thank you, Garry.

7 Phill Burum, B-u-r-u-m.

8 My name is Phill Burum. I'm a member of
9 Cal Four-Wheel and the Blue Ribbon Coalition.

10 I just have a couple of questions as to
11 what the actual expense is to the BLM to maintain
12 Surprise Canyon because last I understood, it was under
13 the Adopt-A-Trail Program. And the few trips a year that
14 I made up there, I picked up trash. I maintained the
15 trail. I made sure that there wasn't any spilled oil
16 that we didn't run anything over and that the area was
17 always cleaner than we left it. Yet, there was hardly
18 any use up there as is.

19 The few times we did go up there, we did
20 trail maintenance; we cleaned bushes; we put things back
21 the way they were; we helped preserve a historical site
22 of a city that has an important part of our history.

23 Last I checked, BLM wasn't out there
24 grating roads. Last time I was up there, Briggs was out
25 there grating the road themselves. So I would like the

1 questions about expense accurately looked at.

2 Thank you.

3 MR. JOSTES: Thank you.

4 Thank you all for making your comments and
5 making them passionately. There are comment forms that
6 you have and are encouraged to fill out either to leave
7 by the door in the box or mail in.

8 We will be having another meeting tomorrow
9 afternoon and tomorrow evening in Bakersfield. And one
10 again Wednesday afternoon and Wednesday evening in
11 Lone Pine.

12 So thank you all for coming. Thank you all
13 for commenting and thank you for your input.

14

15 (Whereupon, at 8:19 p.m., the
16 proceedings were concluded.)

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1 STATE OF CALIFORNIA)
2 COUNTY of KERN) ss.

3

4

5 I, Natalie Davies, a Certified Shorthand
6 Reporter for the State of California, holding
7 Certificate No. 12311, do hereby certify that I was
8 present and reported in stenotypy all the proceedings in
9 the foregoing-entitled matter; and I further certify that
10 the foregoing is a full, true and correct statement of
11 such proceedings and a full, true and correct transcript
12 of my stenotype notes thereof.

13

14 Dated this 11th day of September, 2002, at
15 Bakersfield, California.

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Natalie Davies, CSR No. 12311

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