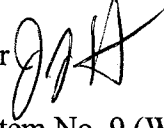




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MEMO

DATE: December 14, 2010
TO: Natural Resources Advisory Committee (NRAC)
FROM: Joshua Hart, AICP, Planning Director 
RE: NRAC December 16, 2010 Agenda Item No. 9 (Wilderness)

Attached is a draft resolution regarding wilderness for consideration at the December 16, 2010 meeting. The Committee may recommend that the Board adopt the resolution and make the resolutions in the draft. Also attached is Board of Supervisors' Resolution No. 2002-34.

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

RESOLUTION NO. _____

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

WHEREAS, the Inyo County Board of Supervisors, through Resolution No. 2009-27, has established the Natural Resource Advisory Committee (NRAC) to act as a technical committee on natural resource matters; and

WHEREAS, the President of the United States signed into law ??? on ???, establishing ??? acres of wilderness in Inyo County; and

WHEREAS, the President of the United States signed into law ??? on ???, establishing an additional ??? acres of wilderness in Inyo County; and

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

WHEREAS, the President of the United States subsequently signed into law ??? on ???, establishing an additional ??? acres of wilderness in Inyo County, and that the issues raised in Resolution No. 2002-34 were not adequately addressed; and

WHEREAS, Senator Feinstein has proposed through the Desert Protection Act of 2010 to designate an additional 97,871 acres of wilderness in Inyo County; and

WHEREAS, more than 60 percent of Inyo County has been designated wilderness or Death Valley National Park, and more than 98 percent of the County's lands are publicly owned; and

WHEREAS, General Plan Government Element Goal Gov-3 is to provide opportunities for the private ownership of land by maintaining and expanding, when possible, the amount of privately owned land available in the County; and

WHEREAS, General Plan Government Element Policy Gov-3 (Private Land Increase) indicates that the County shall work with federal and state agencies, local districts, and utilities to find opportunities to expand private land ownership in the County through land transfers and other mechanisms; and

WHEREAS, General Plan Government Element Policy Gov-4 (Federal Land Dispositions and Acquisitions) indicates that it is the policy of the Board that the design and development of all federal and state land dispositions and acquisitions, including land adjustments and exchanges, be carried out to the benefit of the citizens of the planning area to ensure the following: (a) That the County property tax base shall be maintained unless the Board determines there is an overriding benefit to the County; (b) That the private property interests including, but not limited to, land patents, drilling rights, mining claims, easements, rights-of-way and forage rights are protected and enhanced; (c) That residents within the planning area shall suffer no adverse aggregate economic impacts; (d) That incentives be developed to provide an increase in local economic development by increasing, where possible, the amount of private and non-federal and non-state land within the planning area; (e) That private use of federal and/or state controlled land within the planning area be increased in order to enhance opportunities for local economic development; (f) That federal and/or state land agencies are discouraged from acquiring any private lands or rights in private lands within the planning area without first coordinating with the County; (g) That federally and/or state managed lands that are difficult to manage or which lie in isolated tracts, or that could contribute to orderly expansion of existing communities should be considered for exchange or sale to private ownership; (h) That the County be notified of, consulted about, and otherwise involved in all federal and state land adjustments in the planning area. The Board may review all proposed changes to determine if the proposals are in the best interest of the County; (i) The Board may review and make recommendations on proposed public land withdrawals for hazardous and non-hazardous waste storage as well as the types of such waste; (j) That before federal and state agencies change land uses, impact studies on land uses are conducted at the expense of the agency proposing the change and necessary mitigation measures adopted in coordination with the County. Impact studies should address community stability, local custom and culture, flood prone areas, access, or any other issue identified as a concern to the County; (k) Due to the extensive state and federal ownership in the County, it is noted that the management of these areas should include: provision for continued and improved access through and within the County; continued provision of public recreational facilities and access; multi-use management where applicable; and interconnection or coordination of state, federal, and local facilities and programs when possible; and

WHEREAS, General Plan Government Element Policy Gov-7.1 (Recreation Policies) indicates that the County supports and encourages varied use of public and private recreational opportunities: (a) The County requests coordination of federal, state, wildlife and fishery management and enforcement agencies with the County; (b) The County will work closely with any agency with which it shares jurisdiction; (c) Off road vehicle use is a significant recreational activity in the County. Existing off-road vehicles use areas should be continued and additional off-road vehicle areas should be developed; (d) The County approves any retention of revenues proposed under the authority of the Federal Lands Recreation Enhancement Act or similar law; (e) The County strongly supports and requests continuing

maintenance of roads and expansion of motorized access to public lands; (f) The existing network of off-road vehicle routes on public lands in the County is of paramount importance to the recreational and resource goals of the County. All existing four-wheel and off-highway-vehicle drive routes should be maintained and the resource should be expanded where possible, subject to the avoidance of environmental or cultural harm. The four-wheel and off-highway-vehicle drive network, as shown on USGS maps and maps referenced in Appendix B, should be preserved; (g) The existing network of hiking, backpacking and stock trails in the Sierra Nevada must be enhanced and protected. Sierra Nevada tourism involving access to the backcountry is a fundamental ingredient to the economic and social health of the County. No existing trail should be closed. Where trails and natural habitat coincide, human use of the trails should be preserved.

WHEREAS, Policy Gov-9.1 (Mineral Resources Policies) indicates that the County recognizes that the full development of its abundant mineral resources is desirable and an important component to the economic well being of the County, state and the nation. To encourage the exploration, development and reclamation of these resources, the County encourages the following: (a) That all mining activities use the best available science and technology to ensure adequate protection of land, air and water resources; (b) That lands available for exploration for mineral development be expanded, and that access to public lands be maintained, expanded or altered to allow mineral exploration and prospecting activities; (c) Recognition that over 60% of the lands in the County are Wilderness and unavailable for mining or other consumptive uses. Inyo County cannot afford additions to the Wilderness lands in the County, and should work to remove wilderness study areas and identified roadless areas in the County in order to preserve economic opportunity of federal lands; (d) Maintenance of mining opportunities on state and federal lands requires the maintenance or expansion of access; (e) Discourage incompatible developments on lands identified as containing significant mineral resources. Support uses that will not preclude future mining activities; (f) Highly mineralized areas have been mapped by the State of California; a non-exhaustive listing on many of these maps is included in Appendix B. Mineral exploration, development and extraction are encouraged in these areas; and

WHEREAS, General Plan Government Element Policy Gov-11.1 (Balanced Transportation) indicates it is the policy of the County to develop and maintain a transportation system that optimizes accessibility and that minimizes the cost of movement within the planning area and connecting corridors consistent with County, state and federal roadways and travel ways; therefore, it is the policy of the County that: (a) Any and all proposed route closures should be coordinated with the County and be highlighted in the appropriate environmental document; (b) Most railroad rights of way have been abandoned. Any remaining railroad right of way being considered for conversion to a different use should be reviewed by the County to determine that the use is temporary and not preclude future railroad use or that it is not viable for future railroad or other transportation use; (c) All routes causing no actual resource damage should remain open; (d) All off-road closure policies must contain adequate exemptions for administrative, management and public functions. These should include but not be limited to (1) Agency administration, (2) Livestock management, and (3) Scientific research; (e) Interagency Notification – The County, when affected by land use planning on public lands, shall be consulted and coordinated with in accordance with all

applicable state and federal laws. Federal and state agencies shall coordinate with the County for the purpose of planning and managing lands within the geographic boundaries of the planning area or within the socio-economic sphere of the County; and

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

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

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

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

WHEREAS, on December 16, 2010 the NRAC recommended that this Board of Supervisors adopt a Resolution opposing additional wilderness in Inyo County finding that designation of additional wilderness in Inyo County would be contrary to the General Plan, harm the local economy and culture, and result in significant impacts to public access and mineral resources; and

WHEREAS, pursuant to that recommendation, this Board of Supervisors considered the draft Resolution provided by the NRAC on ???date???, and considered all other written and oral public testimony presented.

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

PASSED AND ADOPTED THIS th DAY OF , :

AYES:

NOES:

ABSTAIN:

ABSENT:

Chairperson
Inyo County Board of Supervisors

ATTEST:

KEVIN CARUNCHIO

Clerk of the Board

By _____
Pat Gunsolley, Assistant

BEFORE THE BOARD OF SUPERVISORS, COUNTY OF INYO

RESOLUTION No. 2002- 34

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF INYO, STATE OF CALIFORNIA, REGARDING PROPOSED LEGISLATION EXPANDING THE WILDERNESS SYSTEM ON THE INYO NATIONAL FOREST AND BUREAU OF LAND MANAGEMENT LANDS MANAGED BY THE BISHOP FIELD OFFICE IN THE EASTERN SIERRA REGION

WHEREAS, this Board of Supervisors has considered public input, both written and verbal, on various proposals to designate additional Inyo National Forest and Bureau of Land Management Bishop Resource Area lands as Wilderness; and

WHEREAS, there has been wide public discussion in Inyo County regarding proposals to expand the Wilderness System in the Eastern Sierra region; and

WHEREAS, the residents of Inyo County, through the participatory and inclusive processes of the Inyo 2020 Forum, identified the protection of agricultural lands and access to public lands as priorities for action, as well as a desire to increase citizen involvement to ensure that decision making at all levels of government reflect an understanding of local residents and their concerns; and

WHEREAS, the 2001 Inyo County General Plan Update Goals and Policies Report identifies policies to preserve and protect a variety of recreation opportunities, appropriate access to resource managed lands, current and future extraction of mineral resources and use of public land for agricultural operations; as well as goals to provide for a balanced approach of resource protection and recreation and resource use of lands in Inyo County; and

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

WHEREAS, this Board of Supervisors has a role in the process of determining changes to public land designations, the nature of public land access, or public land management prescriptions in Inyo County; and

WHEREAS, this Board of Supervisors cannot support the April 26, 2002 Discussion Draft of the proposed "California Wild Heritage Wilderness Act of 2002," or future iterations or revisions of this proposed legislation, without adequate protection of the overall environmental, social, and economic character of Inyo County.

NOW, THEREFORE, BE IT RESOLVED that, the following concerns and issues be addressed in considering the April 26, 2002 Discussion Draft of the proposed "California Wild Heritage Wilderness Act of 2002" or future iterations or revisions of this proposed legislation expanding the Wilderness System in Inyo County:

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

BE IT FURTHER RESOLVED, that this Board of Supervisors directs staff to actively represent the County's issues and concerns throughout the legislative process, particularly in the Congressional committee mark-up, hearings and amendment processes.

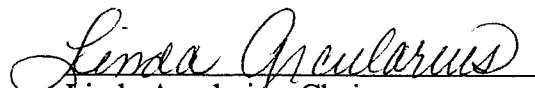
PASSED AND ADOPTED THIS 7th DAY OF MAY, 2002, BY THE FOLLOWING VOTE:

AYES: Supervisors Arcularius, Bear, Lent, Hambleton and Dorame

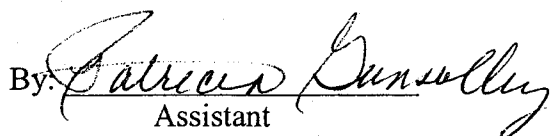
NOES: -0-

ABSTAIN: -0-

ABSENT: -0-


 Linda Arcularius, Chairperson
 Inyo County Board of Supervisors

ATTEST:
 RENÉ MENDEZ
 CLERK OF THE BOARD

By: 
 Assistant