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

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11 MEETING DATE: JULY 30, 2002

12 MEETING TIME: 7:00 P.M.

13 MEETING PLACE: DOUBLETREE HOTEL

14 BAKERSFIELD, CALIFORNIA

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20 Transcribed by: Jill Inman-Ferguson

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APPEARANCES

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03 Meeting Facilitator: John C. Jostes, AICP  
04 30 West Mission Street  
05 Suite 4  
06 Santa Barbara, California  
07 93101

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BAKERSFIELD, CALIFORNIA;  
TUESDAY, JULY 30, 2002; 7:00 P.M.;  
DOUBLETREE HOTEL

05 MR. JOSTES: Okay. If we could get  
06 started.

07 My name is John Jostes, and I'd like to  
08 welcome all of you for -- and thank you for coming this  
09 evening.

10 I am an independent meeting facilitator on  
11 contract with the Bureau of Land Management. My role  
12 this evening is to help make this meeting as productive  
13 as possible.

14 We're here for a scoping meeting on the  
15 Surprise Canyon area for which an Environmental Impact  
16 Statement is being prepared on various access  
17 alternatives.

18 This scoping meeting is the -- at the  
19 second location of the five locations that are planned  
20 over the next week and a half.

21 Yesterday we had two meetings in  
22 Ridgecrest. This afternoon we met here in Bakersfield.  
23 Tomorrow we will have two meetings, one in the  
24 afternoon and one in the evening at Lone Pine. We'll  
25 take a couple of days off, and then start again next

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01 week with a meeting in Pasadena on Monday afternoon in  
02 the evening and then a final meeting -- set of meetings  
03 in San Diego, both in the afternoon and the evening.  
04 And all of those are -- were advertised in the  
05 Federal Register as well as published.

06 And I know, in checking some of the  
07 websites out there, I was glad to see that the number  
08 of interest groups had picked up on the existence of  
09 these meetings that have been advertised. So I'm --  
10 I'm very glad we have the turnout that we have tonight.

11 Our essential charge this evening is to  
12 provide you with an opportunity to make comments  
13 regarding the environmental issues at focus that the  
14 EIS is going to cover and to offer insights into  
15 possible alternatives that should also be addressed  
16 within this document.

17 The more specific you are regarding the  
18 types of environment impact or the types of questions  
19 related to those impacts that you can raise for -- for  
20 me to put down on the flip charts, as well as for our  
21 court reporter to record in a formal transcript of the  
22 meeting, the better able the consultants who will be  
23 assisting the BLM and the BLM, themselves, can do in  
24 terms of responding to those concerns and addressing  
25 them in the -- in the Environmental Impact Statement.

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01 And as I said -- and for some of you who  
02 may have come earlier to this afternoon's meeting or  
03 showed up at yesterday's meetings -- this may be a  
04 little bit repetitious.

05 This is the first of three general  
06 opportunities folks will have to provide input on this  
07 particular issue at this particular location.

08 The scoping meetings are the opportunity  
09 to get your comments included into the draft EIS.

10 Once the -- the draft EIS is completed, that will be  
11 noticed and will go out in the street for public and  
12 agency review.

13 At that time there will be another series  
14 of public meetings regarding the completeness, the  
15 accuracy, and the objectivity of that document.

16 People will have an opportunity to provide  
17 written and oral comments, and then the -- the BLM will  
18 publish a final EIS and choose a preferred alternative,  
19 at which time there will be an opportunity for a third  
20 set of meetings regarding protests that may be filed  
21 regarding their preferred course of action.

22 The -- the EIS has been scoped to cover  
23 about 10 general categories of environmental issues,  
24 and I've put those issues up here to my right.

25 As far as the issue of focus, they boil  
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01 down to natural resources, cultural resource, geology  
02 and soils; water quality and water quantity; air  
03 quality and noise; recreation; land use and  
04 transportation, aesthetics and visual impacts, social  
05 and economic impacts, and wild and scenic river issues.

06 Okay. We're looking to you tonight to tell  
07 us whether those are the right issues, to ask -- or  
08 pose questions that you think you would like to see  
09 answered in the EIS that relate to any more details as  
10 far as those issues go.

11 You've been provided with a meeting --  
12 let's see -- a -- a comment form that was on the front  
13 table back there when you came in the door. If you  
14 want to fill these out this evening and leave them in  
15 the cardboard box at the end of the door, you're  
16 welcome to do so.

17 We've also put an address on the back side  
18 of this; so if you care to take more time with it and  
19 then mail it back to the BLM, this will certainly be  
20 another way for you to provide comments into the  
21 process.

22 The public comment period for the scoping  
23 portion of this will close, I believe, on August 30th;  
24 so it's important to get your comments in before that  
25 deadline so that they can be incorporated into the

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01 initial draft that's -- that's put out to the public.

02 There is a series of alternatives that will  
03 be looked at in the EIS starting with the no-action  
04 alternative, which is the required alternative to be  
05 considered into all environmental impact statements,  
06 and that would essentially allow for temporary access,  
07 vehicular access, until June 30th, 2004.

08 This particular date is a part of a  
09 settlement agreement that was entered into by the BLM  
10 and the plaintiffs in a lawsuit. I believe it's the  
11 center -- the Southwest Center for Biodiversity, which  
12 is the primary reason we're going through this  
13 process -- is to comply with that settlement agreement.

14 There are other alternatives also out

15 there: Keeping the -- designating the route open for  
16 vehicular use, having it a permanent closure, some type  
17 of limited route where a special-use permit is  
18 required, or reconstructing the route as it previously  
19 existed.

20           Again, if there are other alternatives that  
21 you would like the BLM to look at, this is the time to  
22 talk about those alternatives. Last night we got a  
23 couple of new alternatives thrown out that will be part  
24 of the record that -- that we provide to the BLM.

25           To make this -- this evening's meeting, I  
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01 think, the most productive, I've put together a series  
02 of meeting ground rules, which are on the back side of  
03 your agenda. And these are really some boundaries to  
04 help us be as productive and constructive as we go  
05 through and listen to the comments that are made this  
06 evening.

07           It's important to know that no decisions  
08 will be made at this meeting or at any time during the  
09 scoping meeting -- scoping process regarding what  
10 alternative is chosen. It's also important to hear  
11 from you what issues should be addressed and why, what  
12 questions come up into your mind.

13           I think to make this as productive as  
14 possible, I'm looking to you to deal with differences  
15 as problems to be solved and not battles to be won.

16           There is certainly a lot of passion  
17 surrounding this area, and I think that's important,  
18 and I expect to hear some of that this evening. But  
19 along with that, I expect some discipline in terms of  
20 people treating each other with respect; acting and  
21 speaking in a civil manner; not taking cheap shots;  
22 sharing relevant information, whether it is the history  
23 of the area or use of the area or particular  
24 perspectives that you have about the resources that are  
25 found there; and lastly, we'd like you to limit your

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01 comments to three minutes.

02           Because we have somewhat of a small crowd,  
03 I'm not going to be a stickler on that, but if we get  
04 in to people, you know, stopping and clapping for  
05 folks, I'm going to need to revert back to my hearing  
06 officer mentality and run this more like a hearing as  
07 opposed to a listening session.

08           And I, for one, would like to be more  
09 flexible than -- than rigid about this. But it's --  
10 what we need to do is to get through this process and  
11 make sure everybody has a chance to speak.

12           If you've spoken at previous meetings, you  
13 are welcome to speak again, but I would hope that you  
14 would limit your comments to new issues that you did  
15 not address before because we have both the flip-chart  
16 notes from what was said at the previous meetings and  
17 our court reporter who may interrupt me or anybody else  
18 to make sure she gets your name right.

19           If you speak to quickly, we may want to

20 slow down and give her a chance. She's been working  
21 pretty -- pretty good hours this afternoon. And so we  
22 need to be responsive to what she needs to have happen  
23 as far as getting things down.

24 From this point out we will -- after this  
25 evening's meeting, after all the other meetings, we'll  
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01 consolidate all our comments and get them to the BLM  
02 who will then have the responsibility for integrating  
03 those into the document; so if I ask you for a little  
04 clarification, it's just that I'm trying to get it down  
05 correctly up on the flip charts.

06 Also, if you see me write down something  
07 that was not what you said or what you intended, please  
08 correct me and say, "John, you didn't get it quite  
09 right. This is what I really meant." because  
10 occasionally, I don't get it down exactly the way it  
11 was said.

12 So with that, what I'd like to do is turn  
13 it over to Jill.

14 Do you have any other comments you want to  
15 add?

16 This should be good because she's got to  
17 record her own comments while she's making them.

18 MS. INMAN-FERGUSON: If you're reading from  
19 a document or from notes that you've prepared -- people  
20 tend to read fast; so just slow down. And just  
21 remember to say your name if you're speaking back and  
22 forth to each other within the crowd. I don't know who  
23 you are very well, but that would help me out a lot  
24 just to get the names down of who's speaking.

25 MR. JOSTES: Okay. I've got a couple of  
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01 speaker slips, and I'll be running -- going through the  
02 audience if there's others, and folks that want to  
03 speak, just -- just poke your hand up, and we'll pick  
04 them up.

05 But the first speaker is going to be  
06 John Bumgarner.

07 John, would you like to come up and make  
08 your comments?

09 MR. JOHN BUMGARNER: Okay. John Bumgarner.  
10 John Bumgarner. I just want to state that  
11 I have a rather lengthy history of the area. The first  
12 time I traveled to the area was 1965 in a  
13 Volkswagen-powered dune buggy. I have probably been up  
14 there 10, 15 times throughout the years. It's  
15 something that I have photos of that I have shown to my  
16 children. They will never experience it because of the  
17 closure. And I feel extremely lost any time we have  
18 lands closed.

19 We don't have the ability to hike into  
20 these areas. I used to be a very avid backpacker, kind  
21 of an anomaly -- a hard-core, off-road enthusiast. I  
22 also used to be a very hard-core backpacker. I would  
23 do 50-mile treks with my wife. I was injured in an  
24 accident. I cannot do that anymore.

25 I've got well over a \$1000 of new  
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01 backpacking equipment that I cannot use. Closing these  
02 areas has now effectively locked me out. I can no  
03 longer visit these areas.  
04 I feel the greatest loss -- my children no  
05 longer have the opportunity to do these things.  
06 Fortunately, I do have some photographs of the area.  
07 That's it with the comments for me.  
08 MR. JOSTES: Thank you.  
09 Next person is Joe Stocker.  
10 MR. JOE STOCKER: Yes, sir.  
11 MR. JOSTES: Joe.  
12 Joe will be followed by Ken Lollich.  
13 MR. JOE STOCKER: Joe Stocker.  
14 Retired; wore out two sets of -- or one set  
15 of legs and three Jeeps in my lifetime; enjoying going  
16 and seeing what Mother Nature has to give us. And  
17 since I've retired, I've got interested in history.  
18 I have a book here that we found in an  
19 antique shop in Bishop that was printed in 1936 by  
20 Neil Wilson. And he tells all about Surprise Canyon,  
21 the silver, the workings, the way it was laid out and  
22 et cetera.  
23 According to this book, the first man  
24 walked up there in 1860.  
25 In 1874 -- because they couldn't get any

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01 oar out of the town and they could work the mine there  
02 because there was no need to get the oar out -- five  
03 gentlemen went down and cut the canyon, which,  
04 according to the book, was basically six-foot wide.  
05 Because they couldn't work on their mines,  
06 they went down and cut the canyon to the width of a  
07 wagon to get up and down the canyon. It became a tow  
08 road in July of 1874.  
09 And just for the kicks of it, 22 days later  
10 a flash flood went down, took out all their work, and  
11 they had to do it again for the next month and a half  
12 or so.  
13 I can find -- other than all the flash  
14 floods that went down in the late 1800s and the tow  
15 road being bought out by the two senators that owned  
16 the mine later -- but I can find nothing, until 1982,  
17 where that road wasn't in existence.  
18 Now, if you take 1874 to 1982, when the  
19 road was last washed out, that's 112 years the road was  
20 going up and down the canyon.  
21 It's humorous to me why we can close  
22 something that's 112 years old for a punitive damage  
23 thing off of a court trial.  
24 I have another book here -- 1971 it was  
25 published -- Roaming the American West. And that has

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01 11 western states in it and places to go and places to  
02 see. In California alone you have Marble Mountains,  
03 Shasta County, Columbia, Devils Postpile, Pinnacle,

04 Ojai Valley, Joshua Tree National Monument, and  
05 Panamint City as a place to see in California.

06 I -- I just hate to see it closed. I was  
07 lucky enough to be in the first six Jeeps that made it  
08 up to Panamint City in 1989, which means there was only  
09 a lapse of seven years from the time it was a road  
10 until the Jeeps went up in '89.

11 We belong to a club here in town that is  
12 50-members strong. It is our "Adopt-a-Trail." We have  
13 that through the Bureau of Land Management, and we have  
14 it through the Park service, when they took it over  
15 down past Brewer Springs.

16 This is something we try to keep together,  
17 keep working, and keep up along with the cabins, keep  
18 firewood down at cabins so that the backpackers don't  
19 tear the doors off and burn them. And I'm not knocking  
20 backpackers. There's good ones, and there's good --  
21 bad Jeeps. That was wrong, and I apologize for it.

22 But backpackers, after walking up that  
23 canyon, don't seem to want to go that extra half a mile  
24 further to find the down wood. But we, in turn, try to  
25 bring the down wood down and -- so they can have fires

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01 and go. I just hate to see the canyon closed.

02 I thank you.

03 MR. JOSTES: Okay. The next person is  
04 Ken Lollich.

05 MR. KEN LOLLICH: Two areas that I'd like  
06 to address that, according to this fact sheet, the  
07 access into the canyon is supposed to be a 60-foot-wide  
08 corridor, and, according to the sheet here, it says  
09 that that's been altered.

10 It would seem plausible, then, to establish  
11 a 60-foot corridor in -- a permanent 60-foot corridor  
12 into the canyon so that the existing roads into the  
13 canyon are basically abandoned so that everybody  
14 travels the same way.

15 The second thing that I would like to  
16 address is the riparian habitat. In discussions this  
17 afternoon, it seems that the Bureau of Land Management  
18 is responsible for the riparian habitat there. But it  
19 is also stated in here that periodic flash floods wipe  
20 it out.

21 And really my question is: How can the  
22 Bureau of Land Management protect a riparian habitat  
23 when a flash flood wipes it out?

24 It's also stated flash floods have wiped  
25 out nearly all of the four-wheel drive evidence in the

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01 canyon. So in 1984 and again in 2001, we've had flash  
02 floods come through the canyon and wipe it out, taking  
03 out the riparian habitat.

04 Also in the habitat, you have species that  
05 are not native to the area. So how do we deal with  
06 these?

07 I know across the Panamint Valley in  
08 Stone Canyon the wild burros are quite evident over

09 there; and if you've ever been up Sun Canyon, it's not  
10 a real pleasant sight when you get to the top, where  
11 the burros live.

12           So the non-native species, how do you take  
13 care of those? Do we get rid of them? Do we get rid  
14 of the burros? These are also the questions that need  
15 to be addressed in the EIS impact statement.

16           Thank you.

17           MR. JOSTES: Thank you, Kent.

18           Next speaker is Steve Gardiner.

19           MR. STEVE GARDINER: Okay. I'm  
20 Steve Gardiner from Anaheim, California.

21           I enjoyed a three-hour drive up here this  
22 afternoon just to have my say. I don't know, really,  
23 what's been said at any of the other meetings.

24           My -- as far as off-highway activities,  
25 they include motorized vehicles, nonmotorized vehicles,

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01 as well as hiking, very limited backpacking. I'm quite  
02 an avid hiker, though.

03           Some of the issues that I've been hearing  
04 are alternatives for the Surprise Canyon route, and my  
05 personal opinion is that my primary alternative would  
06 be to keep the route open as a vehicle corridor.

07           Some other alternatives for that area that  
08 I see -- I've also heard rumors of other routes that  
09 used to access that city. And I would say that, if we  
10 can't have our primary route of Surprise Canyon open,  
11 I would like to see an alternative access route for  
12 motorized vehicles that accesses that area, Panamint  
13 City.

14           If we can't have the canyon as it is,  
15 I would say, let's rebuild it as a road, then.

16           It's a designated vehicle corridor, and I think it  
17 should stay that way.

18           The history of the area should be able to  
19 be accessed by everybody, not just backpackers, day  
20 hikers, who are in excellent shape. I think there's a  
21 lot of people in the public that benefit from seeing  
22 the history of the United States. And mining is part  
23 of our history.

24           The other issues that I've heard pertaining  
25 to the closure of the canyon would include erosion and,

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01 as was previously stated -- I've got to apologize. I'm  
02 not saying anything new that you guys haven't heard  
03 before, but -- I'm sure. But what I've seen in that  
04 canyon is anything that a vehicle does up there, which  
05 would make ruts in the gravel or move in a rock to get  
06 up another rock. That and more is going to be undone  
07 by Mother Nature. So I don't see that vehicles are  
08 leaving any permanent scars in that canyon.

09           And generally speaking, when BLM is  
10 concerned, I think they'll close to the public of the  
11 United States, multiple use opportunities, recreational  
12 opportunities, that includes hiking, mountain biking,  
13 motorcycle riding, four-wheel drive vehicles.

14 And I don't want to see any of those opportunities  
15 that we currently have lost.

16 I would like to see some of the  
17 opportunities that are temporarily closed come back  
18 into the game again.

19 We don't want to consolidate  
20 recreationalists into smaller and smaller areas.  
21 That's where you're going to start to see erosion and  
22 overuse of the areas that we do have really come into  
23 play.

24 So I think keeping more area open spreads  
25 out use and limits the amount that the use shows or  
0019 scars the land or anything like that.

02 Some of the other issues for the canyon are  
03 plants and animals, sensitive habitat, well-being in  
04 that range as a whole offers several other environments  
05 for those plants and animals that are found in  
06 Surprise Canyon. And I don't think that closing that  
07 route is going to affect any plants and animals to an  
08 extent -- really, like I said, Mother Nature has the  
09 biggest impact in that canyon and the range, as a  
10 whole, as habitat for all the plants and animals that  
11 are found in that canyon. I haven't seen any evidence  
12 otherwise.

13 I'm sure I'm forgetting something because  
14 I'm not really prepared to speak here tonight.  
15 I just showed up because I knew the meeting was  
16 happening and I wanted to be here. But that's the  
17 points I have to make.

18 Thank you very much.

19 MR. JOSTES: Thank you, Steve.

20 George Sardina, followed by John Hively.

21 MR. GEORGE SARDINA: I'm going to be very  
22 brief. I'm not -- I don't belong to any particular  
23 organization. I'm a person who cares about nature a  
24 great deal. I've been over most of California.  
25 Presently, I'm working in Bakersfield. I'm from the

0020 01 San Diego area originally.

02 I'm a person who has traveled to many  
03 countries, and I've seen most of the major mountain  
04 ranges, most of the major jungles and seas and  
05 all the other natural things that we have on this  
06 beautiful planet. And I just want to say that we have  
07 something very beautiful right here in Surprise Canyon.

08 Sometimes we -- we don't realize that  
09 we're not talking about just one canyon. We're also  
10 talking about an area, the area of Death Valley.

11 Death Valley is an extraordinarily unique  
12 place, and everything that's part of that area works  
13 together as a fabric that is very important that we  
14 keep intact.

15 I've met many people from other counties  
16 who have been to Death Valley, and the wonderment of  
17 these people is just as great as any of us here living  
18 in this country.

19 Matter of fact, Death Valley area has been  
20 considered a world heritage site, is an area that is  
21 considered to be one of the most unique places in the  
22 whole planet.

23 I think common sense would tell us that  
24 oil and water don't mix. We're talking about a very  
25 precious body of waterfall; a stream in one of the

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01 most hottest areas of the whole world; very, very  
02 important as far as the health of plants and animals  
03 that live in the Panamint range.

04 I feel that we need to pay attention to  
05 that because to lose this resource would be a great  
06 loss not just for Surprise Canyon but also for the  
07 whole Death Valley area. So what I want you to focus  
08 is the area, not just the canyon.

09 Thank you.

10 MR. JOSTES: Thank you.

11 Next speaker is John Hively -- Hively.  
12 Excuse me for butchering your name.

13 MR. JOHN HIVELY: It's all right.

14 Hi. My name is John Hively. I come from  
15 Yorba Linda, California, and I traveled 3 hours and  
16 15 minutes to get here.

17 I belong to several clubs actually  
18 associated with four-wheel drive, and my concerns here  
19 are continued recreational access hopefully via  
20 Surprise Canyon up to the Panamint City area.

21 The clubs I belong to are West Coast  
22 Four-Wheel Drive Club and the California Association of  
23 Four-Wheel Drive Clubs, California Off-Road Vehicle  
24 Association, Blue Ribbon Commission, Toyota  
25 Land-Cruiser Association, and probably a couple others

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01 I can't think of.

02 First of all, I love the outdoors.  
03 I want my family to spend as much time as possible  
04 recreating in the outdoors.

05 My father was the first one who ever took  
06 me up Surprise Canyon back in the '60s in a two-wheel  
07 drive vehicle. It looked like a county road in those  
08 days. I believe there was some water on the road, but  
09 it didn't make you slip and slide. You just drove  
10 through it.

11 The cabins up at the top in those days were  
12 fully occupied, which was good. I mean, the place was  
13 being mined. The bad thing was because it was  
14 occupied, you couldn't do much exploring. They kind of  
15 frowned at you if you came out of your car and did any  
16 walking around.

17 Subsequently, I've made the trip up there  
18 many, many times. I've taken my sons up there.  
19 And it is a beautiful area, and I think it's been very  
20 well preserved by the people who've used it, both the  
21 miners and backpackers that I've encountered up there,  
22 as well as other four-wheel drive enthusiasts.

23 I think that everybody who visits, that I

24 have seen that takes the time and effort to get there,  
25 has put something back in helping restore the town.

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01 I think was I talking to you, John, out in  
02 the hall. I was amazed a few years ago. When I went  
03 up there the first time, I went into one of the cabins  
04 because they're no longer occupied, as long as you get  
05 there first because first come first serve.

06 In snooping around, there was an old  
07 propane refrigerator that was still in use, and there's  
08 a place where you have to bring your own propane  
09 bottle, hook it up outside. Went in the rest room and  
10 flushed the toilet, and that darn thing worked.  
11 That surprised me -- Surprise Canyon, I guess.

12 There's many organizations right now  
13 trying to take land away for various reasons.  
14 One of them was a former President and his Secretary of  
15 the Interior. And it gets down to the meetings of the  
16 national organizations. And very close to home, to the  
17 beginning of Surprise Canyon, there's a local miner  
18 that thinks he ought to be able to control all that  
19 public land for his own benefit, to keep other people  
20 out. The only thing that ought to close that canyon is  
21 good science.

22 You know, if you use good science and there  
23 is valid reasons, then I don't have much of a leg to  
24 stand on, and I'd probably be supporting your cause,  
25 but I don't see it, the good science. I don't see the

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01 endangered species. I don't see the water quality  
02 being threatened. And I have seen some websites with  
03 some dubious comments and pictures.

04 I had to laugh when I saw a picture of a  
05 two-by-six about so long (indicating) laying on a trail  
06 saying that the four-wheel drive people use this for  
07 traction.

08 Well, you lay a piece of wood under your  
09 tire and you hit the gas, the piece of wood will spin  
10 out. Even -- even people with no four-wheel drive  
11 experience will figure that out.

12 What we do when we travel that road -- and  
13 by the way, the last time I traveled it, it was pure,  
14 hard rock -- not small rocks -- great, big walls,  
15 boulders of rocks of which you attach a strap to or  
16 wedge a spike into a crack and you put your winch  
17 cable on that to go up a series of, now, seven  
18 waterfalls.

19 As you go over each waterfall and you  
20 line up for the next one -- you can't just drive up  
21 it -- but you don't hurt anything because your tires  
22 are on rock, hard rock, the whole way. They do cross  
23 water. And it depends which time of year you go, how  
24 much water there is there. Sometimes there's quite a  
25 bit.

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01 Once you get through a series of sets of  
02 waterfalls, there is a very visible Jeep road, or road

03 that used to be two-wheel drive. You could probably  
04 still drive a two-wheel car from the top of those falls  
05 all the way into Panamint City.

06 The city has been restored by California  
07 Four-Wheel Drive; I think, by the Bakersfield  
08 Trailblazers; and other people who have used it.

09 There's two or three cabins up there that  
10 are good enough for people to spend the night in.  
11 I prefer to stay outside in my tent because I'm more  
12 of an outdoors person. That's why I get outdoors.

13 Turning around and driving back down, the  
14 only danger you would be likely to cause is danger to  
15 yourself because typically most people don't use the  
16 winch coming down. Some do, but you have a good angle,  
17 slick rock with water on it, and frankly, you just kind  
18 of control your slide to the next waterfall and line up  
19 and on down you go.

20 If you should veer off the path, the only  
21 thing you're going to do is hit the solid rock.  
22 You'll probably do some cheap metal damage. So far  
23 I've been fortunate enough to have that occur.

24 I have mentioned my father took me up  
25 there. I've taken my sons up there. I'm 55 years old  
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01 now. My father is still able to go with me.  
02 He's not driving right now. If I had access to that  
03 canyon, he would definitely go with me for another trip  
04 up there.

05 There's some fond memories. I have two  
06 grandsons that are just each a little over a year old  
07 that I would really love to take up there when they're  
08 old enough to see the sights. I don't know if I've  
09 used my three minutes.

10 Panamint City has both an extreme amount of  
11 beauty and historic value. It is a destination in  
12 itself. Ideally, you go up there and spend at least a  
13 day just hiking around the area.

14 I think it was Steve who said there used to  
15 be other ways in. Johnson Canyon used to go all the  
16 way through. In the '60s we could drive up  
17 Surprise Canyon and come out the other side into  
18 Death Valley via Johnson.

19 That belongs to the Park service, and they  
20 said it was washed out to where it was undrivable.  
21 I haven't gone and inspected it. I took their word for  
22 it. But that's another case where maybe some  
23 four-wheel drive organization could volunteer to get  
24 involved if you're looking at another access for that  
25 canyon.

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01 In closing, I would just like to restate  
02 that real good science has to be used if you're  
03 looking for a scientific reason to close that trail,  
04 and if it's not good science, then I think we're  
05 just trying to meet some people's personal agendas.

06 Thank you.

07 MR. JOSTES: The last speaker for whom I

08 have a yellow card is Lynn Brown.

09 Are there other folks in the audience who  
10 would like to speak? If so, I'd like to get your  
11 cards.

12 Brian here will pick 'em up for you.

13 Lynn.

14 No takers? Okay.

15 MS. LYNN BROWN: My name is Lynn Brown, and  
16 I'm a member of the Bakersfield Trailblazers.

17 I was also fortunate enough to be on  
18 that first trip in 1989 when we opened the canyon.  
19 And our daughter at that time was 13 and was with us.  
20 We have made numerous trips, probably up to 20 to 22  
21 trips, from that time until the closure.

22 We have that as an Adopt-a-Trail and have  
23 had it, I believe, since 1985 as an Adopt-a-Trail. We  
24 still maintain the upper end as an Adopt-a-Trail with  
25 the National Service as well as Panamint City. We

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01 adopted the city.

02 We have done a lot of work to maintain  
03 those cabins, to maintain the water, the water tanks,  
04 and the water system that goes to the cabins to flush  
05 toilets, the gentlemen mentioned, that was in the back  
06 of our Jeep at one time unused, brand new. But that's  
07 how it got there.

08 And my husband has spent as long as two  
09 weeks up there and -- with other friends, and they have  
10 just worked on it while they're there.

11 And it really breaks my heart right now  
12 that we cannot care for the land the way that we want  
13 to or the way that we are used to.

14 Surprise Canyon is one of six  
15 Adopt-a-Trails that our club maintains. We maintain  
16 Sherman Jeep Trail, Keysville, Borderline, Miller Jeep  
17 Trail, and we had Surprise Canyon, both lower, top, and  
18 the city.

19 The one trip that was the most memorable  
20 for me was the trip with the Boy Scouts. We passed the  
21 Boy Scouts when we were winching up. There were  
22 probably 20 of them with two leaders. When we got to  
23 the top and we were gathering firewood to take back,  
24 down wood, there were several of the boys that were  
25 really, really tired; and so they got in with us, and

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01 we took them up because they were wore out. And they  
02 ended up just really thinking it was neat that they  
03 could pitch their tents in the fort that was covered  
04 because it was starting to snow.

05 They had another treat because we had food  
06 left over, the actual event that we did the dinner for,  
07 and so they got a barbecue steak dinner instead of  
08 their instant dinners. And they just thought that was  
09 the best thing they could have come to after hiking up  
10 that canyon that day.

11 We got a beautiful letter written from the  
12 leaders, thanking us so much for our hospitality and

13 for helping the boys out and that that was the only  
14 time a badge was earned that way, with a steak dinner  
15 at the end of it.  
16           It's just -- it really is breaking my heart  
17 that we can't get there. I'm -- I'm concerned -- now  
18 my daughter's 26 -- grandchildren are not going to be  
19 able to see this. And I just really feel that we need  
20 to come up with whatever we need to come up with to  
21 reopen the access.  
22           Thank you.  
23           MR. JOSTES: Okay.  
24           Okay. Any other comments?  
25           Well, I'd like to thank you all for --

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01 good.  
02           MS. JERI FERGUSON: Sorry.  
03           MR. JOSTES: As soon as a call for last  
04 comments, it seems that three or four yellow cards  
05 always appear.  
06           MS. JERI FERGUSON: Jeri Ferguson. Hi. My  
07 name is Jeri Ferguson, J-e-r-i.  
08           I have spoken at yesterday's meeting also,  
09 but I also couldn't sleep last night listening to some  
10 of the stuff I heard yesterday. So I got up and did a  
11 little bit of studying.  
12           When the BLM did their wilderness  
13 suitability for the Wilderness Study Program,  
14 Surprise Canyon was not suitable habitat. And I have  
15 a -- zero acres were recommended for wilderness;  
16 58,398 acres were recommended for nonwilderness.  
17           "The entire acreage in this WSA is  
18 released for uses other than wilderness.  
19 This recommendation will be recommended be  
20 implemented --"  
21           MS. INMAN-FERGUSON: Wait a minute.  
22           MS. JERI FERGUSON: Sorry. Okay.  
23 I'll give this to you in case --  
24           MS. INMAN-FERGUSON: Okay.  
25           MS. JERI FERGUSON: Basically it says, you

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01 know, it was not suitable due to the mining, due to the  
02 scars that the mining had, due to the roads that were  
03 in there. There was a lot of canyons that ended up not  
04 being cherry-stemmed into the wilderness.  
05           And then the wilderness happened anyway.  
06 We had Surprise Canyon cherry-stemmed, and there was  
07 another directive, and basically that directive said:  
08           "Wilderness designation will be  
09 specifically addressed, motorized vehicle access  
10 needs for each of these approved routes of  
11 travel, when designated, will pro-" -- "will  
12 provide sufficient and suitable routes for  
13 gaining access to the wilderness resource while  
14 eliminating routes which adversely affect the  
15 wilderness values.  
16           "In cases, permanent routes of travel will  
17 be approved provided access to, proposed

18 wilderness areas will be incorporated in reports  
19 proposing wilderness legislation."

20 Now, this was supposed to be done by 1985  
21 these studies. On -- also after -- on the Wilderness  
22 Protection Act, they were supposed to do the same  
23 thing.

24 My question is: If the wilderness was  
25 designated in 1994 and it was congressionally  
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01 designated corridor, why is there such an emergency  
02 today to have that closed when there's been studies  
03 done?

04 There was no impacts to either the species,  
05 the riparian area, or anything. There's no records of  
06 OHVs going off the trail. There's no tickets given for  
07 any OHVs going off the trail. There's no tickets for  
08 damage of -- of any riparian areas.

09 So if it was such a problem, why weren't  
10 these tickets given? Why were -- why wasn't the  
11 Bakersfield Trailblazers requested to go up there and  
12 do something about the illegal intrusion that we're  
13 being -- you know, that's being said that we caused up  
14 there?

15 Never once -- I read -- I read the thing  
16 where it said that OHVs were stopping all the seedlings  
17 in the riparian areas from growing. And this was a  
18 report out of the Ridgecrest field office done by one  
19 of the Ridgecrest branch officers. And it's, like, how  
20 can somebody write a report like that when, you know,  
21 there's stuff growing up there?

22 We have pictures of things growing.  
23 I mean, it's -- it's just -- to me, it's a blanket  
24 closure without anything -- and it is congressional  
25 corridor.

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01 And I have a lot of concerns with the new  
02 wilderness being proposed, and we're being told that  
03 there's going to be corridors for those. So here's a  
04 perfect example of "Well, we're not going to get you  
05 now, but we're going to get you later."

06 So that's all, pretty much, I have to say.

07 MR. JOSTES: Bonnie Ferguson.

08 MS. BONNIE FERGUSON: My name is  
09 Bonnie Ferguson.

10 And I am one of those lucky ones that went  
11 up there the first time in 1989. And my then husband  
12 was the one who did the driving, and I did all of the  
13 climbing of the rocks.

14 And my daughter, at the time, she was able  
15 to come up as was my other son. And now that they have  
16 grandchildren -- now that they have children and I have  
17 grandchildren, my grandchildren are not able to see  
18 this beautiful, beautiful area that we had grown to  
19 love over all of these years.

20 It's just a shame that it's being closed  
21 because of certain things that really haven't happened.  
22 And it's keeping the people -- my grandchildren can't

23 walk up there. They're 7 and 12. They can't walk up  
24 there. I can't walk up that distance. That's why we  
25 use our Jeeps to do that.

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01 I think it's a real shame that we are being  
02 closed out because we're not able to physically make  
03 that trip up the canyon.

04 Thank you.

05 MR. JOSTES: Okay. The next speaker is  
06 Marlin Czajkowski.

07 MR. MARLIN CZAJKOWSKI: Very good.

08 MR. JOSTES: Very close?

09 MR. MARLIN CZAJKOWSKI: That was very  
10 close, sir.

11 Well, my true, given name is  
12 Marlin Czajkowski, but you did a great job.

13 I am from Fresno, California, and it takes  
14 me six and a half hours to drive to Panamint Valley to  
15 the bottom of the first waterfall.

16 I first had the opportunity to drive that  
17 canyon in my truck in 1992. It was November.

18 And since that time, I did it approximately 35 times.

19 During that time I have spent countless  
20 hours picking up garbage, some from four-wheelers, some  
21 from some other people who have also used the canyon,  
22 including, out of the bottom of the canyon, right  
23 around Chris Wicht Camp where people can drive up and  
24 park.

25 It was a real wilderness experience having

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01 the opportunity to go through the canyon and get up to  
02 an area that has such great history.

03 Cal Four-Wheel Drive, during their  
04 Panamint Valley Days, would have a run where we would  
05 go up and have around 30 vehicles go through the  
06 canyon. And I went to Carson City. I bought a  
07 complete miner's outfit, and I had an opportunity to  
08 stand in front of a group like this and tell the  
09 history -- some of you guys are laughing because you  
10 remember me -- tell the history about the area and its  
11 great history.

12 We are really blessed with an area where so  
13 much happened. And it was such a huge boomtown, and it  
14 all came down in just two years. And having that  
15 opportunity -- I miss that.

16 Since 1996, I have devoted my life to  
17 making a low-range gear reduction for a four-wheel  
18 drive truck that can minimize the impact to areas like  
19 this.

20 Instead of spinning tires and trashing the  
21 place, we can go very slow. And this is a real trend  
22 lately. If you've been into four-wheeling, you know  
23 there's rock crawling championships. A lot of this  
24 stuff is going slow and easy.

25 And I would like to think that I have

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01 contributed to minimizing the impact because that's

02 what we're talking about here. We're talking about  
03 giving to a magnificent area that has great history  
04 that has been used for -- a hundred years? Like in  
05 1890? More? And this takes that away.

06           It was a personal blow to me to think that  
07 I can no longer travel up there. I have great  
08 memories. It is a beautiful area. If you have not  
09 been up there, you need to go hike there. I'm sorry  
10 that I cannot ride my vehicle there. I look forward to  
11 that time again.

12           I've enjoyed there. I look forward to the  
13 six-and-a-half hour drive from Fresno to the  
14 opportunity to go up the waterfalls.

15           Thank you.

16           MR. JOSTES: Thank you.

17           Any other yellow cards? Any speakers left?

18           Yes, sir. Come on up, please.

19           That's the same ring I found this morning.

20 Thank you.

21           MR. GORDAN NIPP: My name is Gordon Nipp.

22 I live in Bakersfield.

23           I'm a hiker and a backpacker. And I have

24 never been up to Panamint City. I've been up

25 Surprise Canyon as far as I could drive, but I've

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01 decided that I'm not going to go up to Panamint City  
02 because I really couldn't stand having to listen to the  
03 noise of the four-wheel drive vehicles through the  
04 canyon. I've heard of gasoline spills, exhaust.

05           When I go up into a place -- when I  
06 backpack, when I hike, I want to go somewhere where  
07 it's natural. I want to go somewhere where I can get  
08 away from noise and pollution because I get plenty of  
09 it here in Bakersfield; get plenty of it when I'm in  
10 Los Angeles.

11           So -- so it seems to me that with -- with  
12 OHVs going up there, that that's essentially an  
13 exclusive use. It excludes most backpackers.

14 Most backpackers -- most backpackers -- I can grant  
15 you, I know many of them -- will not go up there  
16 because of the -- because of the noise and the  
17 pollution and OHV evidence. I know you say that now  
18 after the -- after the flash flood there isn't -- it  
19 wiped out the OHV evidence, but flash floods come how  
20 often? Every two years at the most?

21           In the meantime, there is OHV evidence --  
22 gasoline spills, I would imagine; so, essentially, if  
23 there are OHVs going in there, it's an exclusive use.

24           Now, I suppose, one can argue that if the  
25 OHVs are out, then it's an exclusive use of the

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01 backpackers and hikers, perhaps. But nevertheless,  
02 turn it around. It is an exclusive use now of the  
03 OHVs.

04           Couple of others things that I'd like to  
05 mention, I do think that there ought to be some good  
06 science. I think there should be a biological study to

07 determine whether or not there are endangered species  
08 in there, what effects the various alternatives would  
09 have on these endangered species. Professionals should  
10 judge this.

11 I hear people saying here that there aren't  
12 any. I would -- I would defer to a professional to --  
13 to determine that, and I think that in the preparation  
14 of this EIS, there should be a biological study.

15 Water quality is another issue that --  
16 that someone with some credentials should deal with and  
17 that should be dealt with in the EIS.

18 The -- as far as not being able to get  
19 there without vehicles, I can sympathize with that.  
20 I am 62. I'll be 62 in August, not quite 62.  
21 And I backpack, and I hike, and I think I can get  
22 there. I do some pretty good -- pretty good hikes.  
23 And I think many people my age or even older can do  
24 those things. Now, clearly there are younger people who  
25 can't do these things. This is a fact of life.

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01 But it's not locked out. People aren't  
02 locked out of an area like this. I would love to go up  
03 and see Panamint City.

04 As far as Panamint City is concerned,  
05 I hear people say that they are maintaining the cabins.  
06 Isn't this a historical city? Shouldn't a historian go  
07 up there and determine how such a historical mining  
08 city be preserved? Perhaps it should be preserved as  
09 is without people dragging toilets up there.

10 And I think that's another thing that ought  
11 to be studied in the EIS. A historian should go up  
12 there and determine how Panamint City should be --  
13 should be dealt with. Perhaps, it shouldn't --  
14 perhaps, all these so-called improvements really aren't  
15 improvements. Perhaps, they shouldn't be there.  
16 Perhaps we should leave it how it was historically.

17 Well, anyway, that's about all I wanted to  
18 say.

19 Thanks.

20 MR. JOSTES: Thank you.

21 Yes, sir. Please come up.

22 Thank you.

23 MR. ART UNGER: I'm Arthur Unger.

24 I live here in Bakersfield.

25 And I hope that the EIR (sic) will say how

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01 riparian plants have survived in this area if they get  
02 wiped out by a flash flood every two years.

03 I also wonder if oil spills, and such as  
04 that, may wipe them out a little more permanently than  
05 the past several centuries of flash floods have done.

06 Thank you.

07 MR. JOSTES: Thank you.

08 Anybody else? Last call.

09 MR. JOE STOCKER: Good. Can I get up a  
10 minute more?

11 MR. JOSTES: We'll give you one minute.

12 MR. JOE STOCKER: The thing that seems  
13 we're looking at is Panamint City, also. Panamint City  
14 is not in this. BLM land stops at the first spring  
15 going up. And Panamint City, itself -- a historian, or  
16 bringing it up, is not even in this. It's strictly  
17 Surprise Canyon, which means from the sulfur dry lake  
18 at the bottom to about four, five miles up.

19 And I'd love to know exactly, but my brain  
20 does not work that way. These beautiful springs come  
21 out with the beautiful grotto and everybody should  
22 enjoy. And it goes down the hill, goes underground and  
23 goes into this sulfur lake that is buried. Water  
24 quality? To go where?

25 That's all.

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01 MR. JOSTES: Thank you.  
02 Okay. Thank you. We have another  
03 setup....  
04 Okay. Please come up. Make your comments.  
05 If they're new comments -- we need to hear new comments  
06 and not comments that have already been made.

07 MR. JOE DE KEHOE: I'll be brief.  
08 Good evening. My name is Joe de Kehoe.  
09 I'm a geologist by profession and by hobby.  
10 I live here in Bakersfield. And my pastime  
11 is Jeeping in the Mojave Desert. I love to go out  
12 there, and my interest is not rock crawling, but I do  
13 like to explore.

14 And I'm interested in the history of the  
15 Mojave Desert and California, in general. And I would  
16 like to make a -- or I would like to urge that proper  
17 science be employed in the evaluation of the closure of  
18 this canyon in this area. And that's my basic thesis.

19 I heard a gentleman speak earlier about  
20 gasoline spills.

21 Sorry. I'm a little bit nervous.  
22 I wasn't planning this.

23 The gasoline spills that, quote, "must  
24 occur," it seems like a lot of these areas are closed  
25 because of allegations that are unproven. It sounds

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01 good that if Jeeps go up there, there must be oil  
02 spills; there must be gasoline spills. And that  
03 allegation seems to carry the day, whether it's proven  
04 or not. It sounds good; so it must be true.

05 And I would like to -- I have evidence of  
06 areas being closed. I've read other environmental  
07 statements, for instance, in trilobite areas, as if the  
08 trilobite was an endangered species. Trilobites died  
09 out 230 million years ago.

10 But the areas under question, the  
11 trilobites are being portrayed as being a threatened  
12 species.

13 So I would just like to urge the  
14 Bureau of Land Management to apply science to this  
15 evaluation. I don't have copies of the CDCA plan, but  
16 it talks about the effects of endangered species, and I

17 would like to see those addressed. What are the  
18 specifics in terms of four-wheel drive activity  
19 affecting plants and animals in Surprise Canyon.

20 A gentleman said earlier if there is  
21 evidence to that effect, I will stand behind it  
22 100 percent.

23 None of us want to see the environment  
24 destroyed or hampered in any way, but certainly I would  
25 like to see good science applied to the evaluation  
0043 process.

01 Thank you.

02 MR. JOSTES: Thank you.

03 Ken Lollich.

04 MR. KEN LOLLICH: I would just like to  
05 propose an idea that the BLM develop a committee much  
06 like what we have on the Rubicon called the  
07 "Friends of Rubicon," and call it "Friends in  
08 Surprise Canyon."

09 Simply to get the various organizations  
10 here in this state -- Cal Four-Wheel, California  
11 Association of Off-Road Vehicles, Blue Ribbon  
12 Coalition, so forth, various jeep organizations, clubs  
13 in the area, so forth -- to police Surprise Canyon.

14 Now, I've talked to BLM officials earlier  
15 this afternoon about it, and quite frankly, we're a bit  
16 excited about it. But I think it would be an idea to  
17 consider if we're able, then, to go ahead and use  
18 Surprise Canyon as it has been in the past.

19 MR. JOSTES: Thank you.

20 We've heard a lot of good comments this  
21 evening. I've stopped counting the pages that I've  
22 been writing up on the white board. But we certainly  
23 got a lot to think about.

24 We'll be pulling this together and getting  
25  
0044 it back to the BLM who will then make it available to  
01 the public either through the EIR process or -- pardon  
02 me -- the EIS process.

03 So tonight it's been useful from my  
04 standpoint, in hearing good feedback from the various  
05 prospectives that we have in the room tonight.

06 So I'd like to thank you for your sharing  
07 productive, insightful information with us so that we  
08 can pass that on to the folks who do have the hard job  
09 of assessing the environmental impacts and the  
10 alternatives and basing that assessment on good  
11 science. I think that was one of the things that we  
12 heard tonight was "good science matters."

13 So thank you very much.

14 We have another meeting tomorrow in  
15 Lone Pine, 3:00 to 5:00 and 7:00 to 9:00. And then  
16 we'll start in the Southland and do one in Pasadena  
17 next Monday night -- next Monday afternoon and in the  
18 evening and San Diego in the afternoon and evening of  
19 Tuesday.

20 And again, there are comment forms for  
21

22 those of you who did not choose to speak but may wish  
23 to offer some written comments to the agencies so that  
24 they can consider that. I urge you to fill those out,  
25 mail those in, or leave those in the back of the room.

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01 Thank you very much. That's it.

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03 (Whereupon, at 7:34 p.m., the  
04 Scoping Meeting was concluded.)

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06 I, Jill Inman-Ferguson, do hereby certify  
07 that I transcribed the foregoing-entitled matter; and I  
08 further certify that the foregoing is a full, true, and  
09 correct transcription of such proceedings.

10 Dated this September 9, 2002, in  
11 Bakersfield, California.

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Jill Inman-Ferguson

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