

CONSULTATION AND COORDINATION

INTRODUCTION

The intent of the National Environmental Policy Act of 1969, as amended (NEPA) is to encourage the participation of federal and state-involved agencies and affected citizens in the assessment procedure, as appropriate. As part of the NEPA process, issues associated with the proposed action were identified during scoping meetings with National Park Service (NPS) staff, coordination with other affected agencies, and public meetings, as well as through public comments.

This chapter describes the consultation that occurred during development of this Saline Valley Warm Springs Final Management Plan and Environmental Impact Statement (plan/EIS), including consultation with stakeholders and other agencies. This chapter also includes a description of the public involvement process and a list of the recipients of the draft document. The public involvement activities for this plan/EIS fulfill the requirements of NEPA, section 106 of the National Historic Preservation Act of 1966 (NHPA), and NPS Director's Order 12 (NPS 2011b) and accompanying NPS NEPA Handbook (NPS 2015b).

THE SCOPING PROCESS

Scoping is an effort to involve agencies and the public in determining the scope of issues to be addressed in an environmental document. Scoping includes consultation with all interested parties or any agency with jurisdiction by law or expertise to obtain early input. Among other tasks, scoping determines important issues and eliminates issues determined to be unimportant; allocates assignments among the interdisciplinary team members and/or participating agents; identifies related projects and associated documents; identifies other permits, surveys, consultations, etc., required by other agencies; and helps determine a schedule that allows for adequate time to prepare and distribute the environmental document for all interested parties to review before a final decision is made.

The National Park Service divides the scoping process into two parts: internal scoping and external (or public) scoping. Internal scoping for the plan/EIS involved discussions among NPS personnel and the interdisciplinary planning team regarding the purpose of and need for the management actions, issues, management alternatives, mitigation measures, the analysis boundary, appropriate level of documentation, available references and guidance, and other project-related topics.

Public scoping is the early involvement of the interested and affected public in the environmental analysis process. The public scoping process helps ensure that people have an opportunity to comment and contribute early in the decision-making process. For this plan/EIS, project information was distributed to individuals, agencies, and organizations early in the scoping process, and people were given opportunities to express concerns or views and to identify important issues or suggest other alternatives.

Taken together, internal and public scoping are essential elements of the NEPA process. The following sections describe the various ways scoping was conducted for this plan/EIS.

Internal Scoping

The internal scoping process began with scoping meetings conducted on February 28 and 29, 2012, with staff members from Death Valley National Park (the park), NPS Environmental Quality Division, Pacific West Region, and contractor personnel in attendance. The internal scoping meeting began with a

presentation on the process and background of NEPA. During the remaining days the National Park Service identified the purpose of and need for action, management objectives, issues, and impact topics. Park resources, possible alternative elements, and the project schedule were also discussed.

An internal alternatives development meeting was held on June 25 and 26, 2013, with staff members from the park, the Timbisha Shoshone Tribe (the Tribe), Bureau of Land Management (BLM) Ridgecrest Field Office, Inyo County, and contractor personnel in attendance. The purpose of the meeting was to discuss the elements of the alternatives and to work together to develop additional alternative elements to represent a full range of alternatives for managing the Saline Valley Warm Springs Area.

Public Scoping

Public scoping began with the May 29, 2012 release of a public scoping newsletter to the public for review and comment. The newsletter included a description of the purpose and need, project description and background, project objectives, and a list of issues and impact topics. The newsletter also provided information on upcoming public scoping meetings. The newsletter was sent to individuals, businesses, agencies, and organizations on the park's email distribution list. The National Park Service also issued a news release inviting the public to comment at the scoping meetings. On June 5, 2012, the notice of intent to prepare an environmental impact statement was published in the *Federal Register* (77 FR 33237-33239; Vol. 77, No. 108). The notice of intent summarized the proposed action and explained how to comment on the action. This publication initiated the 60-day public scoping comment period, which ran from June 5, 2012 until August 6, 2012, during which members of the public were able to submit their comments on the proposed management plan.

The National Park Service held public scoping meetings on June 12, 13, and 14, 2012 in Bishop, Ridgecrest, and Victorville, California, respectively. Each meeting had an open house format with NPS staff members present to visit with the workshop participants, answer questions, and address concerns. Posters, handouts, and newsletters were made available at each public meeting. The public was invited to submit comments on the scope of the project and potential alternatives through August 6, 2012. A total of 46 participants attended the public scoping meetings.

During the entire public scoping period, over 540 pieces of correspondence were received from over 43 states and 3 countries (United States, Mexico, and the Netherlands) and entered into the Planning, Environment, and Public Comment (PEPC) site either from direct entry by the commenter, or uploading of emails, faxes, transcripts, and hard copy letters by NPS staff. Approximately 311 letters (61%) were submitted by individuals living in California. The NPS PEPC database was used for management of the comments. Comments were analyzed through the use of a standard NPS-wide process to compile and correlate similar public comments into a format to be used by decision makers and the project team. Comment analysis assisted the team in organizing, clarifying, and addressing technical information pursuant to NEPA regulations. It also aided in identifying the topics and issues relevant for consideration in the plan/EIS. A coding structure was developed during the internal scoping process to help sort comments into logical groups by topics and issues. A summary of the comments can be found in the *Public Scoping Comment Summary Report* dated November 2012 (NPS 2012c), which is located on the NPS PEPC website. This report included the number and type of comments received, a summary of the substantive comments received, and a list of the organization or groups that participated in the public scoping effort.

The PEPC website listed six topic questions to prompt responses from the public. The public comments received were in response to those questions, as well as from observations on other issues pertaining to the management at the Saline Valley Warm Springs. The topics that received the majority of the comments were in response to the questions presented and include expressions of opinion on appropriate

recreation activities, feral burro population, management of the Chicken Strip airstrip, and management of camping at the springs.

Public Alternative Development Workshops

After the internal and public scoping meetings, the National Park Service held another set of public meetings regarding alternatives on February 4, 5, and 6, 2014, in Death Valley, Lone Pine, and Ridgecrest, California, respectively. A total of 78 participants attended the public scoping meetings.

The public was invited to submit comments on alternatives from January 23, 2014 to March 28, 2014. During the public comment period, 774 separate pieces of correspondence from 35 states and 4 countries (United States, Canada, Austria, and the Netherlands) were received. The correspondence resulted in 1,704 substantive comments. The majority of correspondences were at least partly supportive of the no-action alternative; however, many commenters suggested their own changes to the alternatives.

Public Comments on the Draft Plan/EIS

On May 4, 2018, a Notice of Availability for the draft plan/EIS was published in the Federal Register, beginning the comment period that extended through July 2, 2018, resulting in a 60-day comment period, 15 days longer than the required 45-day comment period for EISs.

The National Park Service held three open houses between Sunday, May 27 and Wednesday, May 30, 2018 in the following locations: the Saline Valley Warm Springs Area; Ridgecrest, California; and Bishop, California. Additionally, the National Park Service conducted an online webinar on May 31, 2018. The meetings and webinar were announced through a press release, Facebook post, email, and on the PEPC website on May 4, 2018, providing advance notice of these meetings and webinar. There were 140 attendees at the open house meetings and 34 people that attended the webinar.

The public was encouraged to submit their comments on the draft plan/EIS. The National Park Service received 382 pieces of correspondence from 27 states, the District of Columbia, and 3 countries (United States, Italy, and the Thailand), which resulted in 789 substantive comments. Topics that rose to importance for many commenters included the management of the palm trees and lawn; the burro exclusion fencing; the permit and fee system; the removal of the automobile repair facility; the cooperative agreement with the Tribe, art, and other aspects of cultural resources; and the camping restrictions.

The National Park Service prepared a comment summary report to summarize the comments received on the draft plan/EIS, created concern statements that represent the major themes of the public comments, and responded to those concern statements. The comment summary report is included as appendix H.

AGENCY AND TRIBAL GOVERNMENT SCOPING

Cooperating Agencies

In a letter dated April 3, 2012, the National Park Service invited the following agencies and tribe to become cooperating agencies for this plan/EIS: the Tribe; BLM, Ridgecrest Field Office; Inyo County Planning Department; Inyo County Board of Supervisors; and Inyo National Forest. The National Park Service received a letter of acceptance from the Inyo County Board of Supervisors on July 17, 2012. The Tribe and BLM signed a memorandum of understanding (MOU) with the National Park Service for the plan/EIS process on April 17, 2013 and May 23, 2013, respectively.

Agency Meetings

The National Park Service met with the cooperating agencies on June 12 and 13, 2012 during the scoping process. On June 12, 2012, the National Park Service met with members of the Tribe at the Timbisha Shoshone Tribal Office and gave an overview of the project, describing the background of the Saline Valley Warm Springs Area, the purpose and need of the plan/EIS, and the potential issues. At this meeting, the Tribe identified the Saline Valley Warm Springs Area as a culturally significant area for the Tribe and expressed interest in being involved in alternatives development. Also, on June 12, the National Park Service provided an overview of the project via PowerPoint presentation at the Inyo County Board of Supervisors meeting in Independence, California. Issues discussed at this meeting include the tubs as “pools” under state law and potential alternative means for managing the Saline Valley Warm Springs Area. On June 13, the National Park Service met with representatives of the BLM, Ridgecrest Field Office in Ridgecrest, California and provided an overview of the project. The National Park Service identified the need for any available information from the BLM for topics such as archeology, hydrology, and history of the tubs.

On May 18, 2013, the National Park Service sent letters to the BLM, Inyo County, and the Tribe, inviting them to attend the alternatives development meetings to be held June 25 and 26, 2013. Representatives from the two agencies and the Tribe attended these meetings and participated in the development of the preliminary alternatives for the plan/EIS. On November 7, 2013, the National Park Service sent a letter to the cooperating agencies, asking for their input and comments on the preliminary alternatives. The National Park Service received comments from Inyo County and the Tribe on December 16 and 18, 2013, respectively. The preliminary alternatives were refined based on the agencies comments.

Endangered Species Act Section 7 Consultation

Consultation with US Fish and Wildlife Service has been implemented as required by the Endangered Species Act and the Magnuson-Stevens Fishery Conservation and Management Act.

The National Park Service initiated consultation with the US Fish and Wildlife Service with a letter dated October 1, 2012. On May 23, 2013, the US Fish and Wildlife Service sent an initial response letter regarding the project. The letter noted that the federally listed southwestern willow flycatcher and least Bell’s vireo, as well as the candidate species yellow-billed cuckoo, could be affected by the management plan. In further discussions regarding special-status species on July 7, 2016, the National Park Service and the US Fish and Wildlife Service reached the decision that due to the lack of quality habitat, these bird species are unlikely to occur at the Saline Valley Warm Springs Area, resulting in a determination of *no adverse effect* on the aforementioned species.

Section 106 of the National Historic Preservation Act Consultation

Section 106 of the NHPA requires federal agencies to consider the effects of their undertakings on historic properties, seeking to accommodate historic preservation concerns with the needs of federal undertakings through consultation between the agency and parties with an interest in the effects of the undertaking (Title 36 of the Code of Federal Regulations [CFR], section 800). The National Park Service is preparing a separate Assessment of Effects document to satisfy section 106 of the NHPA requirements pursuant to 36 CFR 800.8(c).

A consultation letter was sent to California State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation on January 10, 2013, describing the proposed project. Additionally, the National Park Service initiated consultation with the Tribe and other affiliated tribes with letters dated

October 21, 2013. The Advisory Council on Historic Preservation responded in a letter dated September 2, 2014, acknowledging initiation of the consultation process. This correspondence can be found in appendix I.

The National Park Service conducted a historic Determination of Eligibility (DOE) study of the Saline Valley Warm Springs Area (New South 2015), which identified one National Register of Historic Places (NRHP)-eligible historic site: The Saline Valley Warm Springs Historic Site. On April 25, 2016, the National Park Service sent letters to the SHPO and the Tribe, requesting review and concurrence of the historic DOE.

The National Park Service completed a draft DOE report to identify ethnographic resources in the Saline Valley Warm Springs Area and to evaluate the site's NRHP eligibility. This DOE considered the potential significance of the site from the perspective of the Tribe and documented that the warm springs of Saline Valley (warm springs) are eligible for listing on the NRHP under Criterion A as an area of significance to the Tribe. As of September 2017, consultations with the SHPO, tribes, and the public are ongoing.

The National Park Service sent a letter to the SHPO on May 23, 2017, seeking to re-initiate consultation with the SHPO. This letter explains that the National Park Service initially intended to combine the NEPA and section 106 compliance into one document but had since decided to conduct a separate, concurrent section 106 compliance action. The letter described the NPS preferred alternative, detailed the Area of Potential Effect, identified future actions needing further section 106 consultation, and described the consultation process with the Tribe. The SHPO responded in a letter dated July 20, 2017, which acknowledged the re-initiation of consultation and other information and concurred with the NPS definition of the Area of Potential Effect.

The National Park Service sent a consultation package with the identification of historic properties (including archeological surveys and DOE documents for the historic and ethnographic sites) and the assessment of effect to the SHPO on February 15, 2018. Per 36 CFR 800, "Protection of Historic Properties," the SHPO had 60 days from the time the package arrived to respond formally. The National Park Service did not receive a formal response but sent another letter in July 2018, requesting SHPO comments or concurrence by the end of August 2018. The National Park Service did not receive a formal response; therefore, in accordance with 36 CFR 800.5(c)(1), the National Park Service would proceed with the undertaking once a decision is made. The National Park Service completed consultation with the SHPO under section 106 of the NHPA.

LIST OF RECIPIENTS

Upon publication of the Notice of Availability of the draft plan/EIS in the *Federal Register*, a press release will be issued announcing the availability of the document for public review. Notice will be provided to interested individuals and organizations via the park website, email, social media, or postcard. Copies of the document will be available at local libraries and the document will also be provided to the following:

Agencies

- Bureau of Land Management, Ridgecrest Field Office
- California Department of Fish and Game
- California Department of Transportation
- California State Clearinghouse
- California State Parks
- Inyo County Board of Supervisors
- Inyo County Planning Department
- US Fish and Wildlife Service

Indian Tribes

- Timbisha Shoshone Tribe
- Big Pine Band of Owens Valley
- Bishop Paiute Tribe
- Fort Independence Community of Paiute
- Kern River Paiute Council
- Lone Pine Paiute Shoshone Reservation

Organizations and Partners

- Amargosa Conservancy
- California Desert Protection League
- California Native Plant Society
- Center for Biological Diversity
- Death Valley 49ers, Inc.
- Death Valley Natural History Association
- Desert Protective Council
- Furnace Creek Inn & Ranch Resort
- High Desert Multiple Use Coalition
- Lone Pine Chamber of Commerce
- National Parks Conservation Association
- Native American Rights Fund
- Panamint Springs Resort
- Saline Preservation Association
- Sierra Club

Libraries

- Amargosa Valley Library
- Bishop Branch Library
- Independence Central Library
- Lone Pine Branch Library
- Ridgecrest Branch Library

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