



RECORD OF DECISION

Saline Valley Warm Springs Management Plan / Environmental Impact Statement

The National Park Service (NPS) prepared this Record of Decision (ROD) on the final *Saline Valley Warm Springs Management Plan / Environmental Impact Statement* (plan/EIS). This ROD has been prepared in accordance with the National Environmental Policy Act of 1969, as amended (NEPA; 42 United States Code [USC] 4321 et seq.); its implementing regulations (40 Code of Federal Regulations [CFR] 1500-1508.9); the Department of the Interior NEPA regulations (43 CFR Part 46); and with NPS Director's Order 12: Conservation Planning, Environmental Impact Analysis, and Decision-making (2011); and its accompanying handbook (2015). This ROD includes a summary of the purpose and need for action, synopses of alternatives considered and analyzed in detail, a description of the selected alternative, the basis for the decision, and a description of the environmentally preferable alternatives. Citations can be found in the “References” section of the final plan/EIS.

BACKGROUND

The Saline Valley Warm Springs Area is in the northwestern portion of Death Valley National Park (the park). The Saline Valley Warm Springs Area is distinctive, both in the setting of the site and in its geology. Saline Valley is a closed basin, which means that the water does not flow to another body of water. The warm springs in the Saline Valley (warm springs) are among the highest-flow springs in the park and one of the only springs in the park that are located in a valley. Saline Valley’s lowest elevation is approximately 1,000 feet, and the mountain ranges surrounding this valley, the Saline Range, the Last Chance Range, and the Inyo Range, have elevations ranging from 7,000 feet to over 10,000 feet, which result in spectacular views from the Saline Valley Warm Springs Area.

The Saline Valley Warm Springs Area encompasses approximately 1,100 acres of backcountry, which is surrounded by designated wilderness. The Saline Valley Warm Springs Area is comprised of three distinct areas—the Lower Spring area, the Palm Spring area, and the Upper Spring area—and is considered one of the park’s developed backcountry campgrounds. Each area has source springs associated with it that emerge from the structural basin of Saline Valley between the Last Chance and Saline ranges. Past overflow from the source springs deposited minerals near the orifices, resulting in elevated crater-like spring mounds. The temperatures of the source springs range from 61.2°F to 117.0°F and the flow ranges from less than 1 liter per minute to 30 liters per minute. At Lower Spring and Palm Spring, a system of pipes and hoses has been created to divert water from the source springs to the soaking tubs, showers, dishwashing sinks, and other features. At Upper Spring, the water is not diverted from the natural spring, and there are no soaking tub, shower, dishwashing, or toilet facilities.

The Saline Valley Warm Springs Area is a unique portion of the park that is important to several user groups for various reasons. Visitors or recreation users travel to the Saline Valley Warm Springs Area to

enjoy backcountry camping, a backcountry airstrip, and soaking tubs created by diverting water from natural source springs in a remote area of the park. Inyo County considers Saline Valley Warm Springs Area as a place with a unique legacy, which is part of the history of tourism and development of Inyo County.

The Timbisha Shoshone Tribe (the Tribe), whose homelands encompass the entirety of Death Valley National Park, has a deep affinity for the Saline Valley Warm Springs Area due to the existence of long-lived historical and ethnographic connections. The Timbisha Shoshone Homeland Act of 2000 (Homeland Act; Public Law 106-423) transferred more than 7,000 acres of ancestral homeland to the Tribe and specified designated special use areas. Saline Valley is one of these special use areas in which tribal members are “authorized to use these areas for low impact, ecologically sustainable, traditional practices pursuant to a jointly established management plan mutually agreed upon by the Tribe, and by the National Park Service or the Bureau of Land Management, as appropriate” (Public Law 106-423). The waters of the warm springs are a source of *puha* for the Tribe, a life force energy. Although the development of the area by Euro-Americans degraded *puha* and other ethnographic resources, Tribal leaders still seek these cultural connections from historic times until the present and will continue to do so in the future.

The first soaking tub was constructed between 1933 and 1947. The warm springs saw frequent but light use through the 1940s and 1950s with visitation increasing, as well as the length of time individuals were staying at the site, through the early 1960s. Much of the development occurred from 1965 to 1978, including soaking tubs, campfire rings, and communal areas. The movement of visiting the desert for recreation was very popular from the 1930s through the 1970s in California, throughout the West, and in the Saline Valley. The period of development for the Saline Valley Warm Springs Area coincides with a strong counterculture social movement in American history, including the Counterculture Movement in the 1930s, the Beat Movement of the 1950s, and the Hippie Movement of the 1960s and 1970s, followed by the Anti-War Movement, the Feminist Movement, the Civil Rights Movement, and the Environmental Movement. At present, the Saline Valley Warm Springs Area seems to be overlaid with the many layers of countercultural beliefs of its users. The Saline Valley Warm Spring Area is unique as a recreational resource with a combination of beauty, remoteness, facilities, and community. Spending time at the Saline Valley Warm Springs Area has for many become a multigenerational, recreational and experiential tradition. For the longtime users of the Saline Valley Warm Springs Area, there is a strong sense of community and volunteerism that add to the uniqueness. The Saline Valley Warm Springs Area offers a variety of valuable experiences to the various visitor groups that frequent the area.

PURPOSE OF AND NEED FOR FEDERAL ACTION

The purpose of this plan/EIS is to provide a framework for resource management, administration, operations, and visitor use management at the Saline Valley Warm Springs Area; to provide guidance for park managers as they work with the various stakeholders of the Saline Valley Warm Springs Area; and to promote the partnership between the National Park Service and the Tribe. A decision is needed to fulfill the direction of the 2002 Death Valley National Park General Management Plan, which identifies a site management plan for the Saline Valley Warm Springs Area as a planning need. A management plan for the Saline Valley Warm Springs Area will ensure cooperation and coordination with the Tribe to understand existing issues and future planning opportunities; create a management strategy for park resources and maintenance requirements; evaluate visitor use and experience and provide a basis from which to respond to future conditions; and provide for public health and safety at the Saline Valley Warm Springs Area.

ALTERNATIVES CONSIDERED

The plan/EIS analyzed five alternatives. Alternative 1, the no-action alternative, would continue the current management of the area with no changes to the maintenance and use of the Saline Valley Warm Springs Area as managed by the National Park Service with assistance from the user groups and the volunteers. The action alternatives – alternatives 2, 3, 4, and 5 – were developed based on information gathered during scoping activities conducted with the National Park Service, the Tribe, Bureau of Land Management, Inyo County, and the public. Alternatives 2, 3, and 5 retain the developed features of the Saline Valley Warm Springs Area and allow current recreation activities to continue, to some degree. Alternative 4 would involve complete restoration of the Saline Valley Warm Springs Area. Several elements are common to all alternatives, as they relate to the management of Death Valley National Park but also apply to use of the Saline Valley Warm Springs Area:

- Cooperative agreement with the Tribe
- Superintendent's Compendium
- Park entrance fees
- Length of stay
- Off-road driving
- Leave No Trace© camping practices
- Low Impact Development (would not apply to alternative 4)
- Nonnative vegetation
- Feral burro and wild horse management
- Damage by natural events

Alternative 1: No-Action Alternative

Under the no-action alternative, use of the Saline Valley Warm Springs Area would continue under the current management with no changes. The users, with help from the NPS volunteer camp hosts, would continue to informally oversee the recreational uses of the Saline Valley Warm Springs Area. The existing facilities would remain, and visitors would continue to participate in dispersed car camping in backcountry areas. The NPS camp host would be able to assist visitors with vehicle issues due to presence of the vehicle support facility and supplies at Lower Spring. Visitors with small aircraft would continue to be able to land at the Chicken Strip airstrip and camp with their aircraft, special regulation pending.

Natural and cultural resources would not receive any further protection under the no-action alternative. There would be minimal control of nonnative vegetation through trimming and minor removal efforts by the NPS camp host and user groups. Feral burro control would include the existing fencing at Lower Spring and education by the NPS volunteer camp host to prevent feeding of wildlife. Visitors could continue to create new artwork throughout the Saline Valley Warm Springs Area that may disturb archeological and ethnographic resources.

The no-action alternative could result in noncompliance with federal and state regulations for human health and safety due to the recreational use of water without water quality monitoring and unregulated storage and use of hazardous materials, such as bleach and automotive supplies. Due to this noncompliance, the no-action alternative cannot be selected as the preferred alternative.

Alternative 2: Regulatory Compliance Alternative

The regulatory compliance alternative retains much of the existing use of the Saline Valley Warm Springs Area but brings the actions and conditions into compliance with NPS, state, and federal regulations. To protect the health and safety of the Saline Valley Warm Springs Area visitors, the regulatory compliance alternative would require the National Park Service to consult with the Office of Public Health to develop an approach for water quality monitoring, add signs at the sinks to inform visitors of nonpotable water, add filtration systems for discharged water at the dishwashing stations, make the tubs accessible, to the extent possible, fence the settling pond and the source springs at Lower and Palm Springs to prevent access to water sources by feral burros, and properly store hazardous materials. The vehicle support facility would be removed.

The National Park Service would work to limit visitor impacts by creating a no-cost permit system for all overnight guests, prohibiting the manipulation of natural or cultural resources for the purpose of art, and removing all non-historic art from wilderness. This would include all artwork except for the lower peace sign. Visitors with small aircraft would continue to be able to land at the Chicken Strip airstrip and camp with their aircraft, special regulation pending.

Alternative 2 would improve and restore the natural and cultural environments by controlling nonnative plant species, removing user-created fire rings, requiring visitors to haul out ash and charcoal, encouraging visitors at the campgrounds—but requiring campers at the Chicken Strip—to pack out their waste, encouraging the use of NPS-provided firepans at the campsites, and treating the Saline Valley Warm Springs Area as areas of ethnographic and historic significance for the Tribe and recreational users, respectively. Visitor education would increase under alternative 2 to include regulatory, health and safety, and compliance information.

Alternative 3: Community Engagement Alternative

The community engagement alternative aims to involve user groups in the protection of park resources and to ensure compliance with applicable NPS, state, and federal regulations, while providing visitors with the types of experiences they currently value. The user groups would be engaged through agreements to identify and carry out many of the actions needed to protect natural and cultural resources, protect human health and safety, and identify roles and responsibilities for protecting resources and assisting the National Park Service in maintaining visitor facilities.

Increased resource protection would be incorporated into alternative 3, including additional nonnative vegetation control, the potential use of food storage boxes, a monitoring and response program, and establishment of thresholds for overuse of the resources. This alternative includes restoration measures, such as removing the diversion piping from Burro Spring. This alternative would install artistic wooden fencing to enclose the soaking tubs, source springs, and riparian areas at Lower Spring and Palm Spring to prevent access to water sources by feral burros.

Under alternative 3, camping would be restricted to designated camping areas with designated overflow walk-in camping areas and associated defined parking areas; no camping would be allowed within 200 feet of the source springs. Visitors with small aircraft would continue to be able to land at the Chicken Strip airstrip (special regulation pending) but would not be able to camp with their aircraft. Education would be expanded to include additional signs on campground boards and engagement by the NPS volunteer camp host, and tribes would be engaged to incorporate traditional ecological knowledge.

Alternative 4: Restoration Alternative

The goal of the restoration alternative is to restore the Saline Valley Warm Springs Area, as closely as possible, to a natural condition with minimal or no development. The tubs and associated infrastructure would be removed, as would the dishwashing stations, showers, vehicle support facility, airstrip, the vault toilets, and all artwork. Dispersed camping would continue to be permitted but would be more restrictive, as visitors would be required to camp at least 200 feet from all water sources. Park staff would develop and implement a habitat restoration plan to remove nonnative plants and restore native habitats. The National Park Service and the Tribe would work to restore the Saline Valley Warm Springs Area to its natural and ethnographic landscape. Prior to removal of the tubs and infrastructure, the National Park Service would properly document the proposed Saline Valley Warm Springs Historic Site, including drawings, photographs, and other materials. This alternative would require extensive park law enforcement and resource staff support during implementation for education, enforcement, and restoration activities.

Selected Alternative (Alternative 5: Preferred Alternative)

The selected alternative, alternative 5, was developed by examining the elements of action alternatives 2, 3, and 4 and creating a new alternative that allowed for continued recreational visitor use, while protecting the natural and cultural resources of the site. The interdisciplinary team refined the selected alternative through the EIS process by considering comments received during the scoping, alternatives development, and draft plan/EIS comment periods from the cooperating agencies, general public, and state and federal agencies. The selected alternative is identical to alternative 5 in the final plan/EIS, which is identified as the NPS preferred alternative. The selected alternative will allow for the continued recreational use of the warm springs, while balancing the protection of natural resources and historic values. The selected alternative incorporates community engagement in assisting the National Park Service in the management of the site through Memorandums of Understanding (MOUs) with interested organized groups.

Alternative 5 is similar to alternative 3, except as follows. Under alternative 5, the National Park Service will not require permits for camping at the Saline Valley Warm Springs Area. The National Park Service will instead gather data on visitor use patterns through formal visitor use studies. These data will help the National Park Service understand current visitor use trends and impacts. If overnight camping fees or permits are implemented in the future for developed backcountry campgrounds throughout the park, they will also apply at Saline Valley Warm Springs Area. Three distinct camping zones will be established: designated dispersed camping (with car camping), overflow walk-in camping with a separate designated parking area, and no camping areas. Visitors will be unable to camp within 100 feet of the source springs. Under alternative 5, visitors with small aircraft will continue to be able to land at the Chicken Strip airstrip (special regulation pending); camping will be allowed at the Chicken Strip airstrip and additional tiedowns could be added. Visitors that camp at the airstrip will be required to pack out their waste.

Managing and protecting natural resources through onsite monitoring while maintaining the historic values of the site is an NPS priority for this site. The lawn at Lower Spring will be allowed to remain but only within its current footprint, expansion will not be allowed. Existing mature palm trees will remain at the site and will only be removed after they die. Young palm trees will be removed, and native species will be planted while the existing mature palm trees are still alive to allow the native trees time to mature and provide shade. Unlike alternative 3, which proposed to install artistic wood fencing to enclose the soaking tubs, the source springs, and the riparian areas, the preferred alternative will install artistic fencing around the source springs only to prevent feral burro access to water sources. All fencing will be dependent on archeological surveys and additional consultation with the State Historic Preservation

Office (SHPO). Alternative 5 will also replace the fencing at Upper Spring and will expand the fenced area to incorporate the warm and cold source springs. Alternative 5 will remove non-historic art from wilderness but will allow art to remain in non-wilderness areas. New art will be allowed in the non-wilderness areas, provided that natural and cultural resources are not manipulated, the art is not a permanent fixture, and the art is removed from the site when the visitor creating the art leaves the site. The National Park Service will install a subterranean system for treating wastewater generated at the site. Finally, the Saline Valley Warm Springs Area will be made accessible to the extent practical while preserving potential significant historical features.

All elements of the selected alternative are presented in the following table.

Management Elements	Actions
Natural Resources	
Nonnative Vegetation	<ul style="list-style-type: none"> • Removal of nonnative invasive palms from Upper Spring • Retain existing mature palm trees at Lower Spring and Palm Spring and remove as they die; remove young palm trees and add native species • Nonnative plant control by National Park Service • Retain the lawn in its current footprint; no expansion • Engage tribes to incorporate traditional ecological knowledge
Feral Burro Access	<ul style="list-style-type: none"> • Installation of fencing around the source springs to prevent access to water sources by feral burros¹ • Replace and expand fencing at Upper Spring to incorporate warm and cold source springs¹
Habituated Wildlife and Food Storage	<ul style="list-style-type: none"> • Appropriate food storage will be encouraged through on-site and online outreach to users • NPS camp host(s) will encourage users to keep all food safely and securely stored in vehicles • Education (including signage) to prevent deliberate or inadvertent feeding of wildlife • Installation of food storage box(es), if necessary
Resource Stewardship	<ul style="list-style-type: none"> • MOU with user groups that may include, but are not limited to, maintaining the soaking pools, invasive plant maintenance/removal (other than the lawn and existing mature palm trees), monitoring the conditions of the Saline Valley Warm Springs Area, visitor education, or other duties that may be identified and agreed upon in the future. • Manage and protect natural resources through onsite monitoring while maintaining the historic values of the site • Monitoring and response whereby actions will be taken by park management to restrict use of the springs if damage to natural and cultural resources is observed • Implementation of restoration measures, such as removing the water diversion piping at Burro Spring
Cultural Resources	
Archeological Resources	<ul style="list-style-type: none"> • NPS monitoring • Monitoring by NPS-trained site stewards • Increased education
Historical Resources	<ul style="list-style-type: none"> • Management of the Saline Valley Warm Springs Area as an area of historical significance for recreational users • If necessary, preparation of MOU with SHPO for any adverse effects to cultural resources

¹ The fencing locations discussed in this table and depicted in figures in this plan/EIS are approximate. Prior to finalizing the location of the fencing, the National Park Service will complete a survey for archeological resources and additional consultation with the SHPO.

Management Elements	Actions
Ethnographic Resources	<ul style="list-style-type: none"> • Management of the Saline Valley Warm Springs Area as an area of ethnographic significance for the Tribe • Consultation with tribes to identify and maintain ethnographic resources (e.g., native vegetation) • If necessary, preparation of MOU with SHPO and the Tribe for any adverse effects to ethnographic resources
Bat Pole and Other Art	<ul style="list-style-type: none"> • Identify and manage National Register of Historic Places (NRHP)-eligible art • Non-historic artwork removed from wilderness • Retain existing artwork, as of January 1, 2019, in non-wilderness areas • New art in non-wilderness allowed if natural and cultural resources are not manipulated, the art is not a permanent fixture, and the art is removed from the site when the visitor creating the art leaves the site
Recreation	
Camping Permits	<ul style="list-style-type: none"> • Complete formal visitor use surveys to gather data on visitor use patterns and impacts • Future changes to permit requirements for developed backcountry campgrounds in the park will apply, consistent with the established framework in the Death Valley National Park Wilderness and Backcountry Stewardship Plan
Fees	<ul style="list-style-type: none"> • Park entrance fee applies; NPS camp host(s) check compliance • Future changes to overnight camping fee requirements for developed backcountry campgrounds in the park will apply, consistent with the established framework in the Death Valley National Park Wilderness and Backcountry Stewardship Plan
Camping Areas	<ul style="list-style-type: none"> • Three camping zones defined by appropriate elements, such as delineation of roadways or signposts, with area use maps posted at the campground and online: <ul style="list-style-type: none"> - Dispersed camping area with the ability to camp next to vehicles - Overflow walk-in camping area and an associated parking area separate from the camping area - Areas where camping is prohibited • No camping within 100 feet of source springs
Campfires	<ul style="list-style-type: none"> • Remove user-created fire rings at campsites • Retain communal fire ring at Lower Spring • Encourage the use of NPS-provided fire enclosures, grates, grills, or firepans • Visitors to haul out ash and charcoal
"Chicken Strip" Airstrip	<ul style="list-style-type: none"> • Airstrip open for use; special regulation pending • Camping allowed at airstrip • Visitors required to pack out waste • Allow for additional airplane tiedowns with NPS approval • Continuation of MOU with Recreational Aviation Foundation for maintenance of the Chicken Strip airstrip
Infrastructure	
Dishwashing Stations	<ul style="list-style-type: none"> • Retain dishwashing stations • Signage at sinks to indicate water is non-potable
Settling pond	<ul style="list-style-type: none"> • Fence settling pond
Toilet Management	<ul style="list-style-type: none"> • Vault toilets pumped as needed by NPS maintenance staff, by contractors, or through an MOU with user groups • Visitors required to use toilet facilities or pack out waste • Education on the benefits of packing out waste • Additional toilets could be added to Lower Spring or Palm Spring, if necessary.

Management Elements	Actions
Vehicle Assistance	<ul style="list-style-type: none"> Remove vehicle support facility² Emergency vehicle assistance should not be expected by the visiting public.
Lower Spring NPS Camp Host Site	<ul style="list-style-type: none"> Remove permanent housing; NPS camp host will provide temporary housing Retain water feature, drainage ditch, plumbing, and personal items with housekeeping policy³ Allow for power system that complies with applicable regulations and cultural landscape Retain government vehicle
Accessibility	<ul style="list-style-type: none"> To the extent practical, while preserving potential significant historical features, facilities will be made accessible.
Maintenance of Tubs, Roads, and Infrastructure	<ul style="list-style-type: none"> No expansion related to tubs⁴ Upper Spring will remain undeveloped⁴ Water diverted from source springs to soaking tubs, showers/bathtubs, and dishwashing sinks; all uses have dedicated piping directly from the source springs Users/NPS camp host(s) maintain plumbing infrastructure and tubs under NPS oversight Maintenance of Warm Spring Road by National Park Service in accordance with guidelines for four-wheel drive high clearance roads⁵
Management	
NPS Camp Host	<ul style="list-style-type: none"> NPS camp host(s) will be present—year-round camp host at Lower Spring and seasonal camp host at Palm Spring NPS camp host term will be one year with possible reinstatement; host must re-apply annually
Education	<ul style="list-style-type: none"> Education through various media focused on regulatory, health and safety, and compliance information. This includes signage along routes to the area explaining conditions visitors should be prepared to encounter. Interpretive program to include signs on campground boards and engagement by NPS camp host on topics such as potential for flooding, resource protection, visitor safety, relationship with the Tribe, and history of Saline Valley Signage to aid visitors in wayfinding and promote preparedness for entering potentially harsh desert conditions Signage and other media to alert visitors that auto repair services have been removed from the Saline Valley Warm Springs Area
State and Federal Regulations	
Recreational Water Usage	<ul style="list-style-type: none"> Consult with the Office of Public Health to develop an approach for water quality monitoring Incorporate a subterranean system for treating wastewater⁶
Hazardous Materials Storage	<ul style="list-style-type: none"> Use and storage will meet Occupational Safety and Health Administration regulations Removal of hazardous materials used or stored at the vehicle support facility

² The National Park Service will close the automobile repair facility when the current NPS camp host leaves or in 3 years, whichever comes first.

³ Housekeeping policy: The grounds of the NPS camp host site will be kept clutter free. The NPS camp host will not make improvements to the camp host site and will not have more than two vehicles at the camp host site. As this is not a permanent residence, all items at the camp host site should be removable within a two-day notice. There should be no evidence of the camp host once he or she completes the NPS camp host assignment.

⁴ Per the 2002 GMP (NPS 2002a)

⁵ As described in the Death Valley National Park Wilderness and Backcountry Stewardship Plan (NPS 2013a)

⁶ This plan/EIS analyzes the impacts on the environment and on human health from wastewater being diverted to a subterranean system. Prior to implementation, a separate NEPA process may be required for determining the appropriate type of subterranean system.

AGENCY CONSULTATION

Cooperating Agencies

In letters dated April 3, 2012, the National Park Service formally invited the Tribe, the Inyo County Board of Supervisors, the Inyo County Planning Director, the Bureau of Land Management Ridgecrest Field Office, and the Inyo National Forest to participate as cooperating agencies in the plan/EIS process. The plan has the potential to affect all of these agencies for the following reasons:

- The Saline Valley Warm Springs Area is located within the Timbisha Shoshone Natural and Cultural Preservation Area, as defined by the Timbisha Shoshone Homeland Act.
- Saline Valley is located within Inyo County, where residents and visitors can explore all points of the county. Saline Valley and the planning area are important to the history and culture of Inyo County.
- Saline Valley was under the management of the Bureau of Land Management before the California Desert Protection Act was enacted in 1994.
- The Saline Valley Warm Springs Area is located approximately 5.5 miles east of the Death Valley National Park boundary. As neighboring agencies to the park, lands managed by the Bureau of Land Management and the US Forest Service could be affected by the outcome of the plan.

The request to add these agencies as cooperating agencies was based on their expertise and local knowledge of the resources within Saline Valley that could be affected by the proposed plan. The Tribe, the Inyo County Board of Supervisors, and the Bureau of Land Management each accepted the invitation to participate as a cooperating agency. The US Forest Service did not officially respond to the invitation.

The National Park Service is authorized to enter into a cooperative agreement with the Tribe by the Timbisha Shoshone Homeland Act (Public Law 106-423) “for the purpose of providing training on the interpretation, management, protection, and preservation of the natural and cultural resources of the areas designated for special uses by the Tribe.” The National Park Service is directed by the Homeland Act to accommodate access to and use of the Saline Valley Warm Springs Area by the Tribe for traditional cultural and religious activities in a manner consistent with the American Indian Religious Freedom Act (Title 42 of the USC, Section 1996 et seq.).

Endangered Species Act

The National Park Service initiated consultation with the US Fish and Wildlife Service (USFWS) with a letter dated October 1, 2012. On May 23, 2013, the USFWS 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 USFWS 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

The National Park Service sent a consultation letter to California 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 National Park Service prepared a historic Determination of Eligibility (DOE) study of Saline Valley Warm Springs Area (New South 2015), which identified one NRHP-eligible historic site: The Saline Valley Warm Springs Historic Site. The National Park Service also 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 Timbisha Shoshone and documented that the Warm Springs of Saline Valley ethnographic site⁷ is eligible for listing on the NRHP under Criterion A as an area of significance to the Timbisha Shoshone.

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 is proceeding with the undertaking. The National Park Service completed consultation with the SHPO under Section 106 of the National Historic Preservation Act.

PUBLIC ENGAGEMENT

Through the public input process, the National Park Service communicated with the public to determine the factors of the Saline Valley Warm Springs Area that are most important to continued use that would also protect the resources of the park. The National Park Service invited comments from all sources during the public comment period, including the general public, the cooperating agencies, state and federal agencies, and non-governmental agencies.

⁷ In the Ethnographic DOE, the area of significance is called the Saline Valley Warm Springs or the *Ko o' Warm Springs* (preferred by the Tribe). The geographic extent of the ethnographic site varies from the Saline Valley Warm Springs Area in this plan/EIS, the National Park Service is using the term "*Warm Springs of Saline Valley ethnographic site*" to clearly distinguish the area of significance to the Tribe from the area addressed in this plan/EIS.

Public Scoping

Early in the EIS process, the National Park Service invited the public to comment during both scoping and alternatives development. On May 29, 2012, the National Park Service released the Public Scoping Newsletter for the plan/EIS to the public for review and comment, and a Notice of Intent to Prepare an Environmental Impact Statement was published in the Federal Register on June 5, 2012. The public scoping period was open through August 6, 2012. The National Park Service held three public meetings from Tuesday, June 12 to Thursday, June 14, 2012 in Bishop, California; Ridgecrest, California; and Victorville, California.

Over 540 pieces of correspondence were received during the public scoping period, resulting in 1,714 substantive comments. Commenters strongly expressed the desire for most activities at the Saline Valley Warm Springs Area to continue, including soaking in the tubs, clothing optional recreation, camping, and use of the Chicken Strip airstrip. Commenters advocated for continuation of the volunteer-based, self-maintained maintenance and recreation because they feel that this has been working since development of the first soaking tubs.

Alternatives Development

Following the analysis of the public scoping comments, the NPS planning team and cooperating agencies worked together to create four action alternatives that were designed to address the issues identified during the public scoping process. The National Park Service considered options for all the elements of the alternatives to ensure that a full range of alternatives was available for analysis. Ultimately, the National Park Service developed four action alternatives—the minimum action alternative, the community engagement alternative, the recreation management alternative, and the restoration alternative; a no-action alternative was also included.

On January 23, 2014, the National Park Service released the Alternatives Development Newsletter containing descriptive narratives of the five alternatives, as well as a table that compared the elements of the alternatives. The public was given a 90-day period to submit comments on the preliminary alternatives through April 27, 2014. Three public meetings were held between February 4 and February 6, 2018 in Death Valley, California; Lone Pine, California; and Ridgecrest, California to discuss the preliminary alternatives.

During the public review period, 774 pieces of correspondence were received, resulting in 1,704 substantive comments. The comments were again supportive of continuation of the current activities at the Saline Valley Warm Springs Area, including use of the Chicken Strip airstrip and the soaking tubs, clothing optional recreation, and continued volunteer-based management and maintenance of the site. The correspondences also provided input on many elements of the alternatives, including dishwashing stations, palm trees, and the automobile repair facility.

Public Review of the Draft Plan/EIS

The National Park Service carefully considered all comments when editing the preliminary alternatives. Due to similarities, two of the action alternatives were combined to create one alternative, and the preferred alternative was developed. On May 4, 2018, two Notices of Availability for the draft plan/EIS were published in the Federal Register (National Park Service and US Environmental Protection Agency), beginning the comment period that would extend 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 National Park Service received 382 pieces of correspondence, 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 NPS automobile repair facility, the cooperative agreement with the Tribe, art and other aspects of cultural resources, and the camping restrictions.

Preparation and Release of the Final Plan/EIS

The National Park Service is required to respond to the substantive comments on the draft plan/EIS captured in concern statements. The National Park Service carefully considered the overarching public comments when determining where to make changes to the plan/EIS. Some points were clarified in the final plan/EIS to ensure that the public fully understands the elements (e.g., camping zones, management of the palm trees). However, other elements of the preferred alternative were changed solely based on the public comments, such as retention of the lawn at Lower Spring, the burro exclusion fencing, and the requirement for overnight camping permits. One change to the preferred alternative was made based on suggestions by the Lahontan Regional Water Quality Control Board. The National Park Service will install some type of subterranean system for treating wastewater from the dishwashing stations. Additionally, the National Park Service has proposed a special regulation to allow the use of the Chicken Strip airstrip to continue. This action would authorize an exemption to 36 CFR 2.17(a)(1), which prohibits operation or use of an aircraft on lands or waters within national parks other than at locations designated pursuant to a special regulation.

The required 30-day no-action period before approval of the ROD was initiated on May 10, 2019 by the US Environmental Protection Agency's *Federal Register* notification of the filing of the final plan/EIS (Vol. 84, No. 91, Pg. 20625). The no-action period ended on June 10, 2019.

RATIONALE FOR DECISION

Alternative 5 has been selected for implementation. In identifying its preferred alternative, the National Park Service considered the extent to which the alternatives meet the purpose of and need for action, environmental consequences, and implementation feasibility. The selected alternative will result in long-term, beneficial impacts on natural resources, including soils, vegetation, wetlands, and wildlife, archeology, ethnographic resources, and wilderness character from reducing visitor sprawl by designated camping areas, clearly delineating areas for driving and parking, increased resource stewardship through onsite monitoring and MOUs with interested user groups, putting restrictions on the creation of art, and greater protection of the undeveloped Upper Spring area. The selected alternative will have some adverse impacts on historic resources and visitor use and experience due to changes in camping patterns, vegetation and restrictions on recreation, but historic resources and recreation activities will be largely retained. Impacts on human health and safety will be beneficial because of the potential testing of source spring water and efforts to reduce habituation of wildlife.

As stated previously, the National Park Service is authorized to enter into a cooperative agreement with the Tribe by the Timbisha Shoshone Homeland Act (Public Law 106-423). The selected alternative will incorporate Tribal knowledge into decisions made for the Saline Valley Warm Springs Area (e.g., native vegetation). The selected alternative will also allow the National Park Service to work with the user groups through MOUs; the user groups will be able to assist in the management of the area, which many expressed as an important element of the uniqueness of the Saline Valley Warm Springs Area during

public comment periods. The selected alternative will provide the best opportunity to manage the Saline Valley Warm Springs Area in coordination with those who feel most connected to it.

The National Park Service did not select alternative 1 because the no-action alternative could result in noncompliance with federal and state regulations for human health and safety due to the recreational use of water without water quality monitoring and unregulated storage and use of hazardous materials, such as bleach and automotive supplies. Due to this noncompliance, the no-action alternative cannot be selected as the preferred alternative.

The National Park Service did not select alternative 2 because it would not protect park natural and cultural resources as well as the selected alternative. Alternative 2 would bring the Saline Valley Warm Springs Area into compliance with existing regulations, and alternative 2 would remove nonnative invasive palm trees from the Upper Springs at implementation and from Palm and Lower Springs as the existing palm trees die. However, alternative 2 would not restrict where visitors can camp or park, allowing continued impacts to the natural resources in the area. Under alternative 2, non-historic art would be removed from designated wilderness and visitors would be restricted from manipulating natural or cultural resources for art. Visitors consider art to be an important part of the culture at the Saline Valley Warm Springs Area. Alternative 2 also would impose a mandatory no-cost permit system. During public comment, many comments were received expressing concern and opposition to a permit system at the Saline Valley Warm Springs Area. Finally, alternative 2 would not include a community stewardship element beyond minimal maintenance of the soaking tubs. Community involvement at the Saline Valley Warm Springs Area is recognized as a contributing feature to the historic site and to visitor enjoyment of the area. The selected alternative includes multiple opportunities for visitor groups to be involved in resource stewardship, better protects natural and cultural resources, and addresses concerns expressed regarding permits.

Alternative 3 is most similar to the selected alternative, except for several key elements added to the selected alternative in response to public comments. Alternative 3 protects natural resources by providing for dispersed camping within designated areas, clearly delineating roads, and restricting camping and driving in certain portions of the site. Alternative 3 requires a 200-foot buffer around source springs, decreasing the area available for camping. Alternative 3 would also remove the lawn at Lower Spring, which is identified as an integral place for communal recreation at the site. The artistic fencing would be expanded to include the source springs, vegetation, and riparian areas of Lower and Palm Springs, which would protect resources, but interrupt the connectivity of the site. Alternative 3 would restrict creation of art, similar to alternative 2, but this alternative would remove all non-historic art from the backcountry, as well as designated wilderness. Similar to alternative 2, alternative 3 includes a mandatory no-cost permit system. Alternative 3 also includes multiple opportunities for user groups to be involved in resource stewardship. Alternative 3 protects the resources of the Saline Valley Warm Springs Area but limits recreation for visitors.

Alternative 4 includes the removal of all developed elements of the Saline Valley Warm Springs Area and the restoration of natural resources. This alternative best protects natural resources and best addresses the concerns of the Tribe, alternative 4 would also cause significant impacts to some resources. This alternative would cause irreversible impacts to existing historic resources of the Saline Valley Warm Springs Area, alternative 4 would also remove the opportunity for visitors to enjoy the soaking tubs and the community events associated with the developed portion of the Saline Valley Warm Springs Area, documented in the Historic DOE. This alternative would have significant costs associated with the removal of the developed elements and the restoration of the area.

The selected alternative is grounded in the best available science and represents a balanced approach to managing and protecting natural resources while maintaining the historic values of the site and allowing for continued recreational opportunities. For these reasons, alternative 5 was selected for implementation.

ENVIRONMENTALLY PREFERABLE ALTERNATIVE

The Council on Environmental Quality regulations require federal agencies to identify the environmentally preferable alternative in a Record of Decision (40 CFR 1505.2). The environmentally preferable alternative is the alternative that “causes the least damage to biological and physical environment and best protects, preserves, and enhances historical, cultural, and natural resources.” The environmentally preferable alternative is identified by considering the long-term environmental impacts against short-term impacts in evaluating what is the best protection of these resources. In some situations, such as when different alternatives impact different resources to different degrees, there may be more than one environmentally preferable alternative (43 CFR 46.30).

Based on the analysis in the plan/EIS, the National Park Service has identified alternative 4, the restoration alternative as the environmentally preferable alternative. Alternative 4 would remove all existing development at the Saline Valley Warm Springs Area and restore the area to natural conditions. Although this alternative would result in short-term impacts on natural resources, the area would be restored to more natural conditions with native vegetation concentrated close to the source springs over the long term. Alternative 4 would have a significant beneficial effect on the Tribe, the area of ethnographic significance to the Tribe, other users that value the ethnographic resources at the site, and those that appreciate natural backcountry conditions. Conversely, alternative 4 would result in significant adverse effects on the area of historic significance due to complete site destruction and removal. The site would be fully documented prior to removal of the features, but this action would have significant adverse impacts on visitors who travel to the Saline Valley Warm Springs Area to soak in the tubs, take place in group recreation activities, or fly their aircraft to the Chicken Strip airstrip.

The National Park Service recognizes that alternative 4 has significant adverse impacts on the historic resources of the Saline Valley Warm Springs Area. For this reason, the National Park Service recognizes a second environmentally preferable alternative, specifically for historic resources. Alternative 2 is compliant with state and federal regulations for human health and safety and also retains significant historic resources and the recreational experience to which visitors have become accustomed. Under alternative 2, dispersed camping, use of communal areas, and use of the Chicken Strip airstrip (special regulation pending) would remain the same as current conditions. Visitors would be prohibited from creating fire rings using rocks or manipulating natural and cultural resources for creating art, and the vehicle repair facility would be removed. All other aspects of the area of historic significance for the Saline Valley Warm Springs Area would remain the same under alternative 2.

CONCLUSION

Overall, of the five alternatives considered, the selected alternative, alternative 5, best meets the purpose, need, and objectives of the plan/EIS. The selected alternative is expected to support the long-term protection, preservation, and restoration of natural resources while maintaining historic values and allowing a variety of recreation uses at Death Valley National Park. The selected alternative incorporates all practical means to avoid or minimize environmental harm.

The required 30-day no-action period before approval of the ROD was initiated on May 10, 2019 by the US Environmental Protection Agency’s Federal Register notification of the filing of the final plan/EIS

(Vol. 84, No. 91, Pg. 20625). The no-action period ended on June 10, 2019. The implementation of the *Saline Valley Warm Springs Management Plan* will begin as soon as practicable.

The official responsible for implementing the selected alternative is the Superintendent of Death Valley National Park.

Approved:



Stan Austin
Regional Director
Pacific West Region

JUN 14 2019

_____ Date