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SENATOR BARBARA BOXER

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SENATOR BOXER

United States Senate
WASHINGTON, DC 20510

December 2, 2005

Mike Pool, California State Director
U.S. Bureau of Land Management, California State Office
2800 Cottage Way, Suite W-1834
Sacramento, California 95825-1886

John Jarvis, Regional Director
National Park Service
One Jackson Center
1111 Jackson Street, Suite 700
Oakland, California 94607

Dear Directors Pool and Jarvis:

It is our understanding that the Bureau of Land Management and the National Park Service are preparing an Environmental Impact Statement on the future management of Surprise Canyon in the Panamint Mountains. We are writing to request that the EIS support the permanent closure of the canyon to vehicular traffic above Chris Wicht Camp.

As you are aware, in the late 1800's a road was constructed along the canyon to reach the mining area of Panamint City. Although it was used intermittently for mining until 1984, there were long periods of inactivity, and it was plagued by flash floods from the outset. Significant flash floods in 1984 and 1990 eliminated the road between Chris Wicht Camp and Limekiln Spring. Because mining activity had ceased prior the floods and road reconstruction was deemed to nearly impossible, no effort was undertaken to restore it. In the absence of mining activity and road maintenance, Surprise Canyon slowly recovered from past impacts until the introduction of extreme off-roading in the 1990's. As a result of lawsuits, on May 29, 2001 the BLM and NPS closed the canyon to vehicular access and have endeavored ever since to develop the aforementioned EIS.

As you work to complete the EIS, there are a number of factors which bear consideration which we believe suggest the permanent closure of the canyon to vehicular traffic.

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First, Surprise Canyon is an extremely rare and remarkable resource. It is the site of the highest volume, perennial spring-fed creek in the Mojave Desert, which contributes to its highly productive riparian habitat. It is inhabited by dense stands of cottonwood and willow trees as well as other native plants, bighorn sheep, and the Panamint alligator lizard. There have also been recent sightings of endangered species, such as the Inyo California towhee, least Bell's vireo and southwestern willow flycatcher. The BLM recognized the value of Surprise Canyon in 1980 when they designated it as an Area of Critical Environmental Concern, the only such designation in the entire Panamint Range, and later described it as "some of the most biologically and economically valuable areas the BLM is entrusted to manage."

Second, allowing off-road vehicles in Surprise Canyon, except on the established County road to Chris Wicht Camp, is incompatible with responsible stewardship of such a rare desert riparian area. Because much of Surprise Canyon is very narrow and covers very difficult terrain, vehicles would have to drive in the streambed and winch up waterfalls, significantly impacting the habitat. Hundreds of trees and shrubs, which also serve as vital habitat for wildlife, would have to be cut down by off-roaders in order for them to pass. Additionally, trespass in the Surprise Canyon Wilderness Area would inevitably occur due to the narrow width of the cherry stem and the absence of any demarcation of the wilderness boundary. Such extreme off-roading would also likely cause significant noise impacts, affecting both wildlife and the solitude intended in the adjacent wilderness area.

Third, recreational off-roading was never the intent of the Surprise Canyon "cherry stem" in the 1994 California Desert Protection Act. When the bill was being debated, the future of mining activity in the Panamint City area was uncertain. In order to ensure access to mining claims, several roads were excluded from the wilderness areas throughout the desert, including Surprise Canyon. However, it is our understanding that no mining activity has taken place for decades and it appears that the current land owners have no interest in mining. Consequently, recreational off-roading in Surprise Canyon should not be viewed as an authorized activity under the California Desert Protection Act.

Finally, there are many places with similarly challenging terrain available to off-roaders at designated BLM off-road 'open areas.' Among these are the BLM's Johnson Valley, Razor, El Mirage, Stoddard Valley and Dumont Dunes Off Highway Vehicle Areas, all of which are in nearby San Bernardino County. Utilizing these existing OHV recreational areas rather than environmentally sensitive Surprise Canyon will help preserve this resource.

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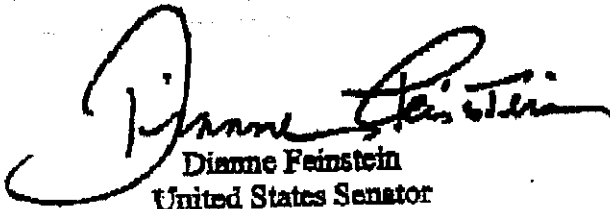
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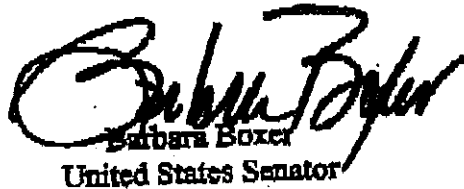
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In conclusion, we believe the current BLM and NPS management of Surprise Canyon provides the low-impact recreational opportunities that protect the canyon's unique habitat and wildlife, allowing it to be enjoyed by generations in the future. Thank you for your time and attention to this important matter.

Sincerely,


Dianne Feinstein
United States Senator


Barbara Boxer
United States Senator

cc: Paul Hoffman, Deputy Assistant Secretary, U.S. Department of the Interior

DF: jp