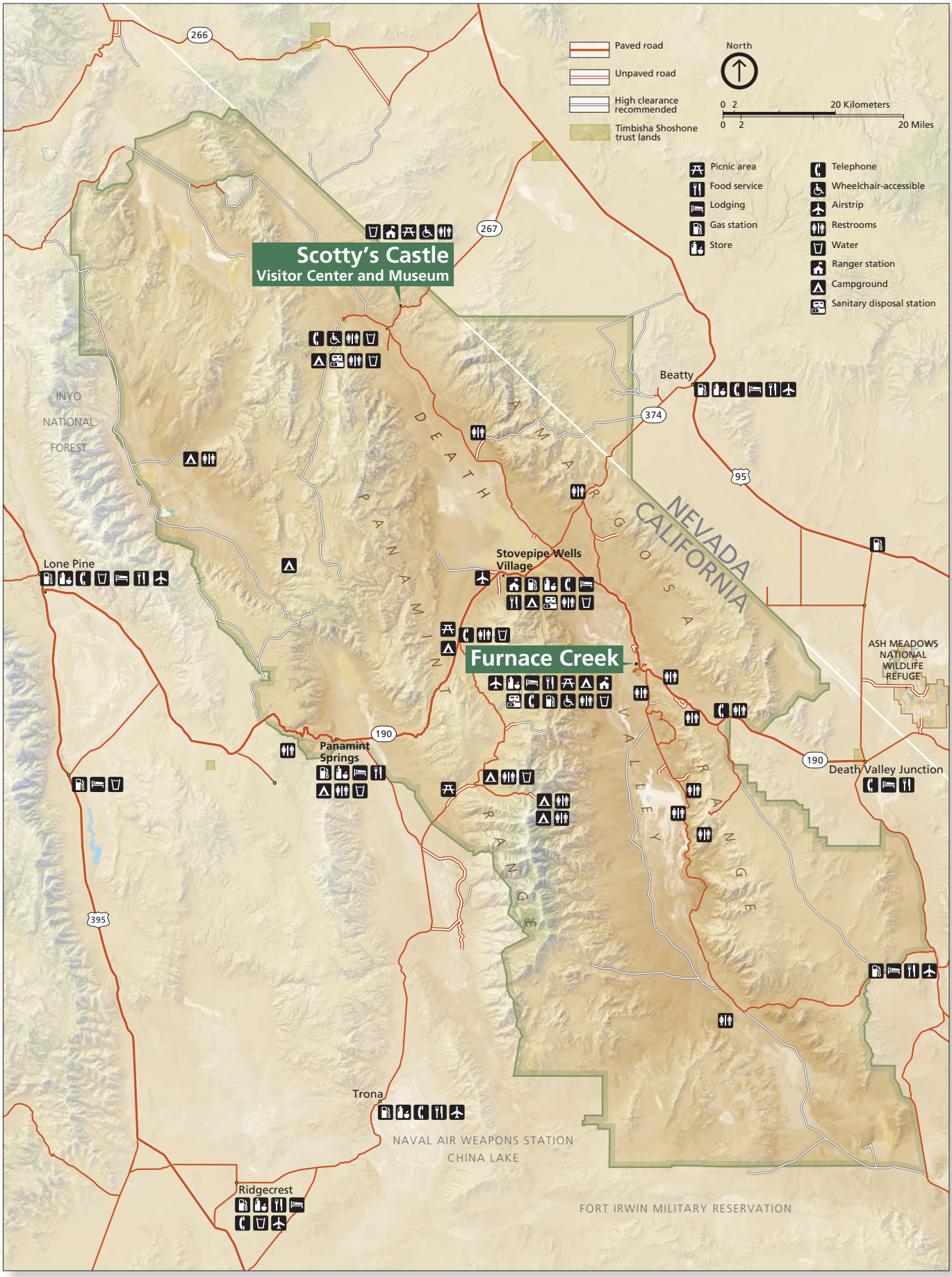
NATIONAL PARK SERVICE • U.S. DEPARTMENT OF THE INTERIOR

Foundation Document

Death Valley National Park

California, Nevada

February 2017


Paved road
Unpaved road
High clearance recommended
Timbisha Shoshone trust lands
North
0 2 20 Kilometers
0 2 20 Miles
Picnic area
Food service
Lodging
Gas station
Store
Telephone
Wheelchair-accessible
Airstrip
Restrooms
Water
Ranger station
Campground
Sanitary disposal station
Scotty's Castle
Visitor Center and Museum
Furnace Creek
Stovepipe Wells Village
Beatty
Lone Pine
Panamint Springs
Death Valley Junction
Trona
Ridgecrest
INYO NATIONAL FOREST
DEATH VALLEY
PANAMINT RANGE
AMARGOSA RANGE
GREENWATER RANGE
NEVADA
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Mission of the National Park Service

The National Park Service (NPS) preserves unimpaired the natural and cultural resources and values of the national park system for the enjoyment, education, and inspiration of this and future generations. The National Park Service cooperates with partners to extend the benefits of natural and cultural resource conservation and outdoor recreation throughout this country and the world.

The NPS core values are a framework in which the National Park Service accomplishes its mission. They express the manner in which, both individually and collectively, the National Park Service pursues its mission. The NPS core values are:

- **Shared stewardship:** We share a commitment to resource stewardship with the global preservation community.
- **Excellence:** We strive continually to learn and improve so that we may achieve the highest ideals of public service.
- **Integrity:** We deal honestly and fairly with the public and one another.
- **Tradition:** We are proud of it; we learn from it; we are not bound by it.
- **Respect:** We embrace each other's differences so that we may enrich the well-being of everyone.

The National Park Service is a bureau within the Department of the Interior. While numerous national park system units were created prior to 1916, it was not until August 25, 1916, that President Woodrow Wilson signed the National Park Service Organic Act formally establishing the National Park Service.

The national park system continues to grow and comprises more than 400 park units covering more than 84 million acres in every state, the District of Columbia, American Samoa, Guam, Puerto Rico, and the Virgin Islands. These units include, but are not limited to, national parks, monuments, battlefields, military parks, historical parks, historic sites, lakeshores, seashores, recreation areas, scenic rivers and trails, and the White House. The variety and diversity of park units throughout the nation require a strong commitment to resource stewardship and management to ensure both the protection and enjoyment of these resources for future generations.

The arrowhead was authorized as the official National Park Service emblem by the Secretary of the Interior on July 20, 1951. The sequoia tree and bison represent vegetation and wildlife, the mountains and water represent scenic and recreational values, and the arrowhead represents historical and archeological values.

Introduction

Every unit of the national park system will have a foundational document to provide basic guidance for planning and management decisions—a foundation for planning and management. The core components of a foundation document include a brief description of the park as well as the park's purpose, significance, fundamental resources and values, and interpretive themes. The foundation document also includes special mandates and administrative commitments, an assessment of planning and data needs that identifies planning issues, planning products to be developed, and the associated studies and data required for park planning. Along with the core components, the assessment provides a focus for park planning activities and establishes a baseline from which planning documents are developed.

A primary benefit of developing a foundation document is the opportunity to integrate and coordinate all kinds and levels of planning from a single, shared understanding of what is most important about the park. The process of developing a foundation document begins with gathering and integrating information about the park. Next, this information is refined and focused to determine what the most important attributes of the park are. The process of preparing a foundation document aids park managers, staff, and the public in identifying and clearly stating in one document the essential information that is necessary for park management to consider when determining future planning efforts, outlining key planning issues, and protecting resources and values that are integral to park purpose and identity.

While not included in this document, a park atlas is also part of a foundation project. The atlas is a series of maps compiled from available geographic information system (GIS) data on natural and cultural resources, visitor use patterns, facilities, and other topics. It serves as a GIS-based support tool for planning and park operations. The atlas is published as a (hard copy) paper product and as geospatial data for use in a web mapping environment. The park atlas for Death Valley National Park can be accessed online at: http://insideparkatlas.nps.gov/.

Part 1: Core Components

The core components of a foundation document include a brief description of the park, park purpose, significance statements, fundamental resources and values, and interpretive themes. These components are core because they typically do not change over time. Core components are expected to be used in future planning and management efforts.

Brief Description of the Park

Death Valley National Monument was established by presidential proclamation under the 1906 Antiquities Act, on February 11, 1933. The original monument contained approximately 1,601,800 acres. Supplemental proclamations in March 1937 and January 1952 increased the monument's acreage to 2,086,530 acres. The monument was subsequently enlarged and changed to Death Valley National Park by congressional action on October 31, 1994, with the passage of the California Desert Protection Act. Approximately 1.3 million acres of new lands were added, bringing the total acreage of the new park to about 3,399,470 acres. Nearly 92% of the park was designated as wilderness by that same act. Death Valley National Park is the largest national park unit in the contiguous 48 states. The park spans four counties across the states of Nevada and California, providing significant economic benefits to these rural communities. Although 95% of the park lies in California's Inyo and San Bernardino Counties, more than 100,000 acres lie in the Nevada counties of Nye and Esmeralda. California State Route 190 crosses the park east to west.

The park includes all of Death Valley, a 156-mile-long north/south-trending trough that formed between two major block-faulted mountain ranges: the Amargosa Range on the east and the Panamint Range on the west. Telescope Peak, the highest peak in the park and in the Panamint Mountains, rises 11,049 feet above sea level and lies only 15 miles from the lowest point in the United States in the Badwater Basin salt pan, 282 feet below sea level. The California Desert Protection Act added most of the Saline, Eureka, northern Panamint, and Greenwater Valleys to the park.

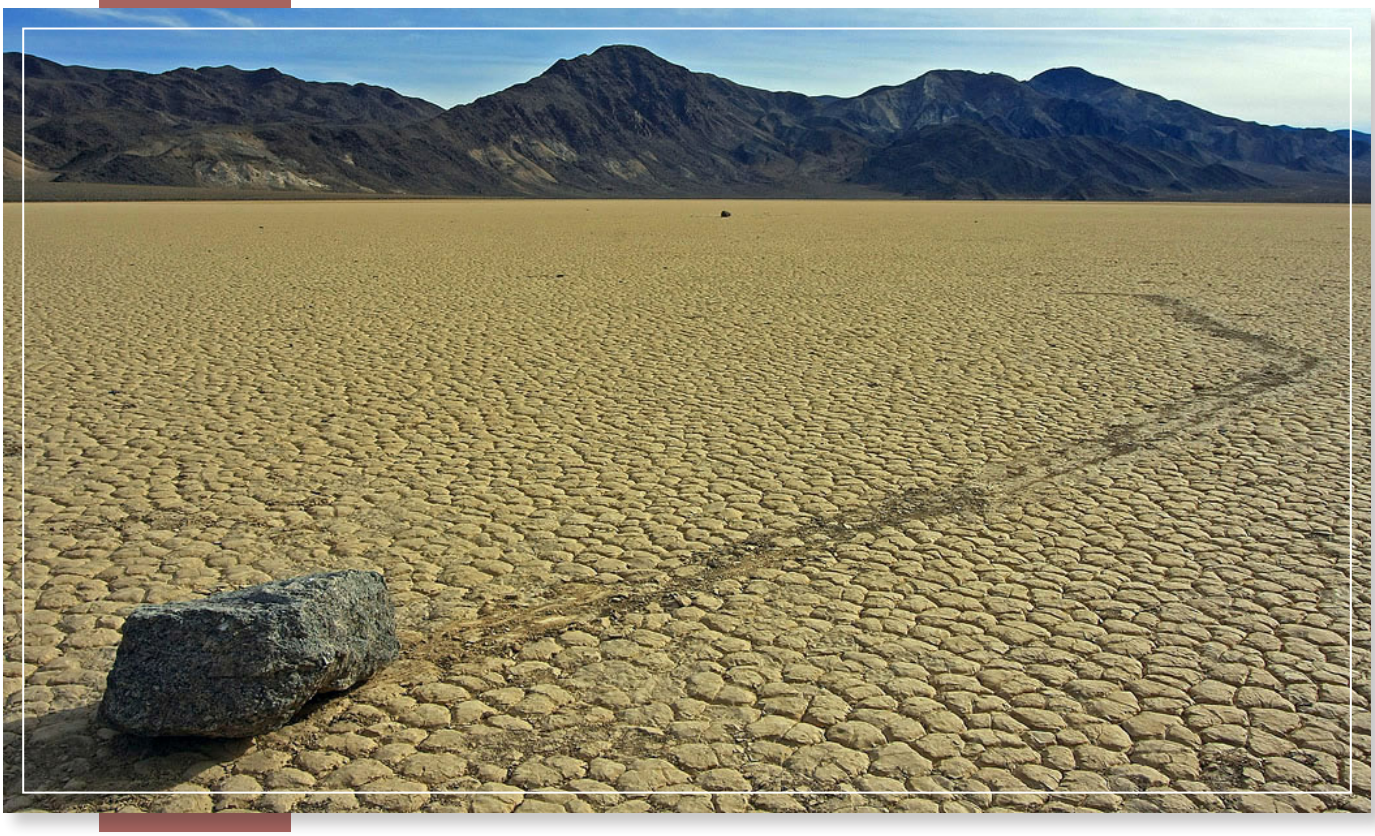
Death Valley National Park includes the lowest point in North America and one of the hottest places on Earth. It is also a vast geological museum, containing examples of most of Earth's geological eras. Plant and animal species, some of which occur nowhere else in the world, have adapted to the harsh desert environment. The diversity of Death Valley's plant and wildlife communities results partially from the region's location in the Mojave Desert, a zone of tension and overlap between the Great Basin Desert to the north and the Sonoran Desert to the south, as well as the great range of elevations found within the park. Humans have adjusted to these severe conditions as evidenced by extensive prehistoric archeological sites; historical sites related to successive waves of prospectors, miners, and homesteaders; the recent resort developments and mines; and the present-day residence of the Timbisha Shoshone.

Perhaps the park's greatest assets today are the scenic views, vast open spaces that stretch toward distant horizons, and the overwhelming silence. More than 1.3 million people per year come to Death Valley National Park to experience the stark and lonely vastness of the valley; dark night sky viewing; the panorama of rugged canyons and mountains; the pleasures of the dry, moderate winter climate; the challenge of the hot, arid summer; hiking; backcountry driving; access to the cooler mountains; and the reminders of frontier and American Indian lifeways.

Park Purpose

The purpose statement identifies the specific reason(s) for establishment of a particular park. The purpose statement for Death Valley National Park was drafted through a careful analysis of its enabling legislation and the legislative history that influenced its development. The park was established as Death Valley National Monument by presidential proclamation on February 11, 1933 (see appendix A for enabling legislation and selected legislative acts). The monument became Death Valley National Park on October 31, 1994, through an act of Congress. The purpose statement lays the foundation for understanding what is most important about the park.

The purpose of Death Valley National Park, homeland of the Timbisha Shoshone, is to preserve natural and cultural resources, exceptional wilderness, scenery, and learning experiences within the nation's largest conserved desert landscape and some of the most extreme climate and topographic conditions on the planet.



Park Significance

Significance statements express why a park's resources and values are important enough to merit designation as a unit of the national park system. These statements are linked to the purpose of Death Valley National Park, and are supported by data, research, and consensus. Statements of significance describe the distinctive nature of the park and why an area is important within a global, national, regional, and systemwide context. They focus on the most important resources and values that will assist in park planning and management.

The following significance statements have been identified for Death Valley National Park. (Please note that the sequence of the statements does not reflect the level of significance.)

1. Death Valley National Park is known for its climatic and topographic extremes, including the highest scientifically recorded temperatures in the world, the least precipitation in the United States, and more than 11,000 feet of vertical relief from Telescope Peak (11,049 feet) to Badwater Basin (282 feet below sea level), the lowest point in North America. These extremes collectively result in exceptional biodiversity and a wide range of resilient desert ecosystems.

2. Nearly 92% of Death Valley National Park's 3.4 million acres is designated wilderness and is the largest designated wilderness area outside of Alaska. Wilderness protects intact desert ecosystems and provides extensive backcountry opportunities for solitude and primitive adventures.

3. Due to its size, extreme topography, and remoteness, Death Valley National Park provides outstanding opportunities for visitors to experience expansive scenic views, natural quiet, and some of the darkest night skies in the United States. The park has been recognized by the International Dark Sky Association as a Gold Tier Dark Sky Park.

4. From time immemorial, the area that now includes Death Valley National Park has been the homeland of Timbisha Shoshone. The tribe continues to shape the history, culture, and ecology of their ancestral homeland in partnership with the park.

5. Death Valley National Park is home to the critically endangered Devils Hole pupfish. This iconic species was the subject of a controversial landmark Supreme Court decision first recognizing that beneficial use of water could include ecosystem protection and protection of an endangered species. The park's water rights are critical to the survival and continued flow of the springs and seeps in the park.

6. The park's archeological sites, ethnographic resources, historic structures, and museum collections represent more than 10,000 years of human life in the extreme Death Valley environment and provide insight into human adaptation in the face of challenging conditions and its lasting impact on the desert landscape.

7. Death Valley National Park contains an extraordinary and dynamic collection of exposed landforms and other geologic features that reveal the region's continuous geologic record from more than 1.7 billion years ago to the recent past, including Ubehebe Crater and other volcanic craters, cinder fields, Basin and Range topography, and the Eureka Dunes, the tallest sand dunes in California.

Fundamental Resources and Values

Fundamental resources and values (FRVs) are those features, systems, processes, experiences, stories, scenes, sounds, smells, or other attributes determined to warrant primary consideration during planning and management processes because they are essential to achieving the purpose of the park and maintaining its significance. Fundamental resources and values are closely related to a park's legislative purpose and are more specific than significance statements.

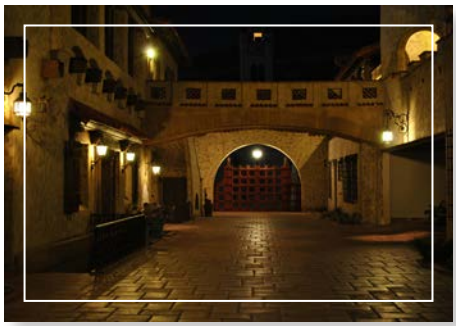
Fundamental resources and values help focus planning and management efforts on what is truly significant about the park. One of the most important responsibilities of NPS managers is to ensure the conservation and public enjoyment of those qualities that are essential (fundamental) to achieving the purpose of the park and maintaining its significance. If fundamental resources and values are allowed to deteriorate, the park purpose and/or significance could be jeopardized.

The following fundamental resources and values have been identified for Death Valley National Park:

- **Geology and Geologic Processes.** The wide variety of landforms and geologic features in the park result from complex, active geologic processes that continue to occur over time, including flash floods, debris flows, sand dune formation, and active faults. These geologic processes, and the features and landforms that result from them, shed light on past, present, and potential future geologic activity in the region. The exposed, unvegetated nature of these landforms and features also helps visitors see and better understand the effects of large-scale geologic processes.
- **Hydrologic Processes.** Water from a complex regional carbonate aquifer flows to the surface in Death Valley. Despite receiving an average of less than 2 inches of rain per year on the valley floor, the park is home to approximately 1,000 springs, lush oases, seeps, and streams. The presence of the aquifer and these related hydrological features in such a hot, arid place makes these water resources extremely valuable and sensitive. The evaporation rate in the desert basins of the park is roughly 200 times greater than the rate of precipitation.

- **Endemic Species and Biodiversity.** The nearly 11,500 feet of vertical relief in Death Valley National Park from the desert floor to alpine mountains results in a continuum of varied ecosystems and remarkable biodiversity. This diverse natural system in the park is home to intact populations of native plants and animals, including many species that are endemic to the park.
- **Land with Wilderness Character.** More than 91% of the park is congressionally designated wilderness, and additional nondesignated backcountry areas possess many of the qualities of wilderness character. These lands provide both easily accessed and also more challenging wilderness experiences for park visitors in a wide variety of desert and mountain landscapes with abundant opportunities for unconfined recreation and solitude.
- **Opportunities to Experience Scenic Views, Dark Night Skies, and Natural Soundscapes.** The varied topography, geologic features, wide-open expanses, and air quality in the park allow visitors to see great distances and enjoy panoramic views of a colorful, undeveloped landscape. Low amounts of artificial lighting and development inside and outside the park also enhance the visitor experience of naturally dark night skies and star gazing. Given the park's remote location, size, and dispersed visitation, visitors can also enjoy plentiful opportunities for natural quiet.

- **Enduring Legacy of Human Interaction with the Landscape.** Death Valley National Park's cultural resources tell the story of the continuity of human life in an extreme desert environment. Researchers estimate there are more than 90,000 cultural resources that document the evolution of human interaction, from prehistoric campsites and resource use areas, to historic mining, to the traditional practices of the Timbisha Shoshone that continue today. Historical resources related to early Spanish and American exploration, transportation arteries, the ranching-grazing industry, mining operations and settlements, recreation and early park development, and continuing lifeways of the Timbisha Shoshone, dot the landscape and contribute to more than 20 identified cultural landscapes. The large, diverse park museum collection includes historical objects, archival documents, ethnographic materials, biological specimens, geological samples, and archeological artifacts, all of which help illustrate how people have survived and thrived in one of the world's harshest environments for more than 10,000 years.
- **Death Valley Scotty Historic District.** Death Valley Scotty Historic District, which includes Scotty's Castle (Death Valley Ranch), outbuildings, decorative arts and furnishings, and a designed desert landscape, is significant in the fields of 20th century architecture, folklore, social history, art, and invention. The Scotty's Castle complex serves as a reminder of the excesses of mining promotion during the early 20th century, the frontier romanticism connected with it, and the conspicuous consumption practiced by the wealthy during the 1920s.



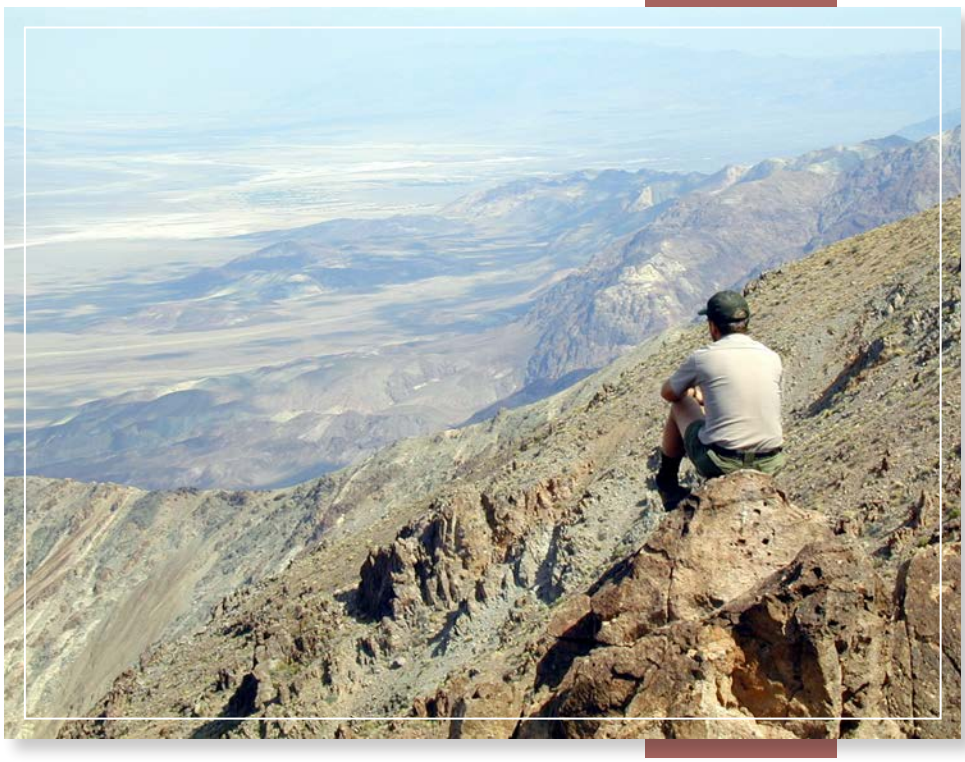
Interpretive Themes

Interpretive themes are often described as the key stories or concepts that visitors should understand after visiting a park—they define the most important ideas or concepts communicated to visitors about a park unit. Themes are derived from, and should reflect, park purpose, significance, resources, and values. The set of interpretive themes is complete when it provides the structure necessary for park staff to develop opportunities for visitors to explore and relate to all park significance statements and fundamental resources and values.

Interpretive themes are an organizational tool that reveal and clarify meaning, concepts, contexts, and values represented by park resources. Sound themes are accurate and reflect current scholarship and science. They encourage exploration of the context in which events or natural processes occurred and the effects of those events and processes. Interpretive themes go beyond a mere description of the event or process to foster multiple opportunities to experience and consider the park and its resources. These themes help explain why a park story is relevant to people who may otherwise be unaware of connections they have to an event, time, or place associated with the park.

The following interpretive themes have been identified for Death Valley National Park:

- Complex and varied microhabitats from Badwater Basin to Telescope Peak, created by the interplay of weather and water, support a surprisingly rich array of plant and animal life, from familiar iconic desert species to lesser known flora and fauna.
- The dramatic landscape of Death Valley includes features such as cinder cones, lava beds, sand dunes, mesas, and alluvial fans, all of which help us understand the dynamic geologic forces that continue to change this landscape and shape our entire planet.
- Park boundaries do not protect diverse and delicate ecosystems from the effects of climate change, air pollution, development, and other human activities. Park managers continuously balance preservation and use.
- Resourceful people have visited, lived, and even thrived in this area for more than 10,000 years. Timbisha Shoshone and other American Indians, pioneers, miners, ranchers, and tourists, have all left their mark on this land.
- In contrast to the built environment, the vast expanse of designated wilderness in the park provides increasingly rare opportunities to experience primitive and unconfined recreational activities, solitude, natural soundscapes, untouched vistas, and dark night skies.



Part 2: Dynamic Components

The dynamic components of a foundation document include special mandates and administrative commitments and an assessment of planning and data needs. These components are dynamic because they will change over time. New special mandates can be established and new administrative commitments made. As conditions and trends of fundamental resources and values change over time, the analysis of planning and data needs will need to be revisited and revised, along with key issues. Therefore, this part of the foundation document will be updated accordingly.

Special Mandates and Administrative Commitments

Many management decisions for a park unit are directed or influenced by special mandates and administrative commitments with other federal agencies, state and local governments, utility companies, partnering organizations, and other entities. Special mandates are requirements specific to a park that must be fulfilled. Mandates can be expressed in enabling legislation, in separate legislation following the establishment of the park, or through a judicial process. They may expand on park purpose or introduce elements unrelated to the purpose of the park. Administrative commitments are, in general, agreements that have been reached through formal, documented processes, often through memorandums of agreement. Examples include easements, rights-of-way, arrangements for emergency service responses, etc. Special mandates and administrative commitments can support, in many cases, a network of partnerships that help fulfill the objectives of the park and facilitate working relationships with other organizations. They are an essential component of managing and planning for Death Valley National Park.

Special Mandates

- **Presidential Proclamation No. 2961 (January 17, 1952).** The proclamation added Devils Hole, a deep cavern on public land in Nevada containing an underground pool inhabited by a unique species of desert fish, to Death Valley National Monument (included in appendix A).

- ***Cappaert v. United States* (decided June 7, 1976).** A Supreme Court decision (426 U.S. 128) ruled that, in establishing Devils Hole as part of a national monument, the president reserved appurtenant, unappropriated waters necessary to the purpose of the reservation, including preservation of the pool and its fish, that federal water rights antedated those of the Cappaerts, the individual landowners filing suit. The decision extended the reach of water rights doctrine to protect federal reserved rights both from injurious surface and groundwater diversions and became a landmark decision regarding NPS water rights when related to preservation of park resources, including wildlife.

- **Mining in the Parks Act (1976).** Congress passed the Mining in the Parks Act in 1976, which closed Death Valley National Monument to the filing of new mining claims, temporarily banned open-pit mining, and required the National Park Service to examine the validity of thousands of pre-1976 mining claims. Mine operators are required to obtain approval of a plan of operations, which should mitigate damage to the environment.

- **California Desert Protection Act (1994).** On October 31, 1994, Congress passed the California Desert Protection Act (16 USC 410aaa-83, PL 103-433), legislation that expanded protection to desert lands across the state of California and officially changed the name of the park from Death Valley National Monument to Death Valley National Park. Title VI, section 601 of the California Desert Protection Act designates the Death Valley Wilderness, comprising approximately 3,102,456 acres of park land.

  The 1994 California Desert Protection Act also defines constraints that necessarily limit management discretion and decision-making during the planning process. Below are some management constraints in the California Desert Protection Act (see appendix A for complete text).

  - Withdrawal (Title III, sec. 305): Death Valley National Park was withdrawn from all forms of entry under the public land laws, mining laws and mineral leasing laws. However, valid existing rights are recognized and many mining claims exist in the park as a result of the area being previously open to staking of claims.

  - Grazing (Title III, sec. 306): The privilege of grazing domestic livestock on lands within the park can continue to be exercised at no more than the current level (1994), subject to applicable laws and NPS regulations.

  - Private Lands (Title V, sec. 519): Lands not owned by the United States are not subject to regulations that apply only to federal lands. However, application of mineral development regulations (36 CFR Part 9A and 9B) is not affected by this section.

  - Military Overflights (Title VIII, sec. 802): Nothing in the act shall restrict or preclude low-level overflights of military aircraft over new units of the national park or wilderness preservation systems (or any additions to existing units) including overflights that can be seen or heard within such units.

- **The Timbisha Shoshone Homeland Act (2000).** The Timbisha Shoshone Homeland Act of 2000 established nonexclusive special use areas for the Timbisha Shoshone Tribe, subject to other federal law. Under the act, members of the Timbisha Shoshone Tribe are authorized to use the special use areas for low-impact ecologically sustainable traditional practices pursuant to a jointly established management plan, mutually agreed upon by the Timbisha Shoshone Tribe and by the National Park Service. One of the special use areas defined in the act, the Timbisha Shoshone Natural and Cultural Preservation Area, overlaps significantly with Death Valley National Park's backcountry and wilderness areas. The National Park Service is directed by the act to accommodate access by the Timbisha Shoshone Tribe to, and use by the Timbisha Shoshone Tribe of, the Timbisha Shoshone Natural and Cultural Preservation Area for traditional cultural and religious activities in a manner consistent with the American Indian Religious Freedom Act (42 USC 1996 et seq.) and consistent with the Wilderness Act (16 USC 1131 et seq.).

  The Department of the Interior and the Timbisha Shoshone Tribe completed a legislative environmental impact statement in November 2000 that provides a framework for cooperative resource management. The document lays the foundation for Death Valley National Park and the Timbisha Shoshone Tribe to enter into cooperative agreements and management plans that provide the Timbisha Shoshone Tribe with access to and use of specified areas under the park's jurisdiction for cooperative activities with the intent of enhancing the natural and cultural values of the designated areas. All cooperative agreements or management plans would comport with objectives described in management plans for the designated specified areas, and shall comply with applicable state and federal law. The Timbisha Shoshone Tribe currently exercises its rights to traditional cultural practices, including traditional cultural uses of plant materials, access and caretaking of certain spring sites, and other religious practices authorized by the Timbisha Shoshone Homeland Act and the American Indian Religious Freedom Act.

Administrative Commitments

For more information about the existing administrative commitments for Death Valley National Park, please see appendix C.

Special Designations

- **Eureka Dunes National Natural Landmark.** The National Natural Landmark Program recognizes and encourages the conversation of sites that contain outstanding biological and geological resources. National natural landmarks are selected for their outstanding condition, illustrative value, rarity, diversity, and value to science and education. Designated a national natural landmark in 1983, Eureka Dunes, found in Death Valley National Park, is an excellent example of eolian (wind) geological processes. It is the tallest dune complex in the Great Basin biophysiographic province of the United States. The site contains an endangered grass genus, one species of which is the only plant capable of surviving on and stabilizing the steep dune slopes.

Assessment of Planning and Data Needs

Once the core components of part 1 of the foundation document have been identified, it is important to gather and evaluate existing information about the park's fundamental resources and values, and develop a full assessment of the park's planning and data needs. The assessment of planning and data needs section presents planning issues, the planning projects that will address these issues, and the associated information requirements for planning, such as resource inventories and data collection, including GIS data.

There are three sections in the assessment of planning and data needs:

1. analysis of fundamental resources and values (see appendix B)
2. identification of key issues and associated planning and data needs
3. identification of planning and data needs (including spatial mapping activities or GIS maps)

The analysis of fundamental resources and values and identification of key issues leads up to and supports the identification of planning and data collection needs.

Analysis of Fundamental Resources and Values

The fundamental resource or value analysis table includes current conditions, potential threats and opportunities, planning and data needs, and selected laws and NPS policies related to management of the identified resource or value. Please see appendix B for the analysis of fundamental resources and values.

Identification of Key Issues and Associated Planning and Data Needs

This section considers key issues to be addressed in planning and management and therefore takes a broader view over the primary focus of part 1. A key issue focuses on a question that is important for a park. Key issues often raise questions regarding park purpose and significance and fundamental resources and values. For example, a key issue may pertain to the potential for a fundamental resource or value in a park to be detrimentally affected by discretionary management decisions. A key issue may also address crucial questions that are not directly related to purpose and significance, but which still affect them indirectly. Usually, a key issue is one that a future planning effort or data collection needs to address and requires a decision by NPS managers.

The following are key issues for Death Valley National Park and the associated planning and data needs to address them:

- **Resource Stressors.** Several stressors combine and interact to threaten natural systems and cultural resources at Death Valley National Park, including climate change, pollution, increasing visitor impacts, illegal visitor uses, invasive species, backcountry impacts, and external threats, among others.

  The specific effects of climate change are only beginning to be understood. Climate change will alter regional low, median, and high temperatures and alter the timing and magnitude of precipitation events. This could dramatically change habitat quality and the location and amount of water available to plants and wildlife. As a result, sensitive species may be lost, species more adapted to the new climate and habitat may become prevalent, plant phenology and associated symbiotic relationships may be altered, and cultural landscapes, sites, and structures may degrade or erode.

  Changes in temperature and moisture patterns may force mesic (wet) and cold-tolerant species to move to higher elevations, encourage migration (or range extension and contractions) of plants and animals regionally native, but adapted to different climate regimes; alter plant phenology impacting migratory (and local) species adapted to the specific timing of flowering/fruiting plants; begin to influence pestilence; and alter habitats in favor of invasive species that out-compete native plants for resources.

  Illegal off-road vehicle (ORV) use impacts archeological sites, wilderness experience, acoustic resources/soundscapes, soils, and vegetation wherever it occurs in the park. Overgrazing by burros dramatically affects vegetation and displaces native bighorn sheep from productive areas. Illegal marijuana grow sites and illegal collection of resources are difficult to enforce given the massive size of the park, but have enormous and adverse impacts on park resources.

  External threats include water mining around the park, which affects water tables, including areas where pupfish are vulnerable to slight variations in water level and flow volumes. Other external threats include light, air, and noise pollution from cities such as Las Vegas and Los Angeles, alternative energy development adjacent to the park, and military uses nearby and in the park, including low-level flights and testing.

  Baseline cultural resource information is lacking throughout the park. This includes resource data and documentation such as archeological surveys and site recording, cultural landscape inventories, condition assessments, historic structure reports, and National Register of Historic Places eligibility determinations and nominations. Such data are crucial to understanding patterns of human occupation and use of the park and to identifying areas at risk for damage from ORV use, climate change, looting, and other impacts. Recent research estimated that there could be as many as 90,000 archeological sites within Death Valley National Park. To date, approximately 3,500 have been recorded. In developed sections, such as administrative areas, housing, campgrounds, visitor use areas, and along roads, the park lacks data to support compliance efforts, streamline project approval, and protect cultural resources from the impacts of park management and development.

  - *Associated high priority planning and data needs:* resource stewardship strategy, burro management plan, archeological surveys, visitor use management plan

- **Operational Challenges.** The park has a number of operational concerns that make it challenging for managers to identify and implement park priorities. In the face of increasing year-round visitation and diminishing/flat funding allocations, the park is developing direction for project priorities but continues to struggle with inadequate telecommunications connectivity, lack of bandwidth, and staff retention. All funding sources are not being optimized, primarily due to staff capacity. Staff capacity is affected by retention challenges due to the park's remoteness and extreme climate conditions, inadequate office space, inadequate housing, lack of medical facilities, limitations on school services, lack of amenities, and other factors. The park also lacks sufficient information technology (IT) capacity, making effective administrative, scientific, and analytical work difficult. There is a related need for improved access to data and research.

  - *Associated high priority planning and data needs:* position management plan, technology and telecommunications plan, office space plan

- **Aging Facilities and Infrastructure.** The park contains a large number of buildings and other facilities that significantly add to its deferred maintenance burden and require a substantial amount of funding to maintain. Aging designs are often not compatible with accessibility needs. In many cases, historic building designs do not accommodate current needs and pose significant challenges to replace or update. Often, the park lacks baseline cultural resource documentation relating to those structures. Tied into these concerns are the uses allocated to buildings, particularly with office space and storage. Office space is lacking and poorly allocated. Storage needs are greater than current capacity allows. In many buildings and facilities with deferred maintenance issues, code compliance presents significant challenges to facility managers. Information on current conditions and needs and the actual costs related to maintaining assets is often lacking.

  Scotty's Castle, a major cultural resource and popular visitor destination, was severely compromised by a flood in 2015 and will require a tremendous amount of work to protect the structure and restore the site.

  Additional needs include telecommunication infrastructure, both internal and external, which are poorly adapted to current technologies and methods for effectiveness and efficiency. Because of this, radio communications, telephone, and internet connectivity is poor throughout the park.

  - *Associated high priority planning and data needs:* technology and telecommunications plan, office space plan

Planning and Data Needs

To maintain the connection between the core elements of the foundation and the importance of these core foundation elements, the planning and data needs listed here are directly related to protecting fundamental resources and values, park significance, and park purpose, as well as addressing key issues. To successfully undertake a planning effort, information from sources such as inventories, studies, research activities, and analyses may be required to provide adequate knowledge of park resources and visitor information. Such information sources have been identified as data needs. Geospatial mapping tasks and products are included in data needs.

Items considered of the utmost importance were identified as high priority, and other items identified but not rising to the level of high priority were listed as either medium- or low-priority needs. These priorities inform park management efforts to secure funding and support for planning projects.

Criteria and Considerations for Prioritization. The following criteria were used to evaluate the priority of each planning or data need:

- addresses multiple issues
- emergency/urgency of the issue
- impact on resources
- ability to impact visitor use and experience
- funding availability
- feasibility of completion

High Priority Planning Needs

Burro Management Plan.

Rationale — Feral burros flourish in the desert conditions of the park, with the population continuing to increase over time. The burros damage the desert ecosystem by overgrazing scant plant resources and trampling riparian areas. In addition, burros are displacing bighorn sheep from grazing areas and springs, negatively impacting this native species.

Scope — The burro management plan would address the proliferation and environmental impacts of nonnative burros throughout the park. The plan would establish desired conditions, including control areas and population limits. The park would work cooperatively with adjacent landowners, including the Bureau of Land Management, to ensure the most effective coordination of efforts possible. The plan would address the appropriateness of control methods in specific areas, including removal and fencing.

Office Space Plan.

Rationale — The park has inefficient and inadequate office space for current demands. Additionally, historic structures lack the utility infrastructure and environmental control requirements for proper office, museum collections, and general storage space conditions. Administrative use of historic spaces also limits opportunities for visitors to experience these spaces, but the lack of other options currently makes this use necessary.

Scope — The office space plan would inventory all of the office and administrative space in the park to better understand current and future uses. Staff would be surveyed and program needs would be evaluated to determine highest priority needs for each program area. Historic and nonhistoric buildings throughout the park that serve multiple uses would be evaluated to determine if the current uses are appropriate or whether it would be advantageous to make changes. Additionally, high-priority space needs that cannot be met with the existing structures would be identified. These needs would be considered in future development plans. Short-term, mid-term, and long-term space recommendations would be included in the plan to guide management until additional spaces or solutions can be implemented.

Position Management Plan.

Rationale — Loss of staff for a variety of reasons including declining base funding, unusually high staff turnover, increasingly complex and delayed federal hiring procedures, eventually leads to imbalances in staff allocation, which affects organizational capacity across divisions and promotes staff burnout. A periodic review of organizational staffing targets would help to correct imbalances, provide a guide for recruitment of new employees, and reduce the amount of time that critical vacancies are left unfilled.

Scope — The position management plan would identify current organizational gaps and document the desired future positions to meet those needs. An effective organizational chart would be developed to guide hiring. The process would evaluate what can be accomplished within the constraints of funding limitations and would include a "drop duty" analysis. Each work group would analyze their current organization structure, identify competency gaps, and determine what it needs to look like in the mid- and long-term. Strategies and measures for reorganization and reallocation of fund sources would be examined.

Resource Stewardship Strategy.

Rationale — The park needs a way to prioritize natural and cultural resource projects within the constraints of the park's capabilities. A resource stewardship strategy would provide a framework for addressing current and future needs, as well as help focus data collection efforts and systems.

Scope — The plan would identify priority cultural and natural resources in the park, identify current conditions and trends including climate change projections, and prioritize management strategies to protect resources. The resource stewardship strategy would identify conservation objectives and potential activities for managing resources as well as implementation strategies including inventory and monitoring, project management, restoration, and research. The document would also consider resource condition in addition to funding and staffing requirements.

Technology and Telecommunications Plan.

Rationale — The lack of adequate and reliable IT networks affects all park operations. The park's ability to serve Facility Management Software System, Federal and Business Management System, or human resources functions is compromised. Staff cannot participate in webinars or online training and meetings effectively. Internet and phone connection issues in staff housing make it difficult to communicate within and outside the park. These factors contribute to staff hiring and retention issues. Telecommunications infrastructure is inadequate and poorly located. External pressure and internal needs for additional or relocated telecommunications infrastructure will increase.

Scope — The technology plan would address telecommunications connectivity and network bandwidth in the park, cell service in developed areas, radio communications throughout the park, and appropriate infrastructure solutions that support visitor safety and operational efficiency throughout the park while continuing to protect wilderness and scenic values.

Visitor Use Management Plan.

Rationale — Visitation is rapidly increasing while staff capacity remains limited. Resource degradation will continue to occur due to ORV use and other visitor activities. Visitor capacity has not been defined for many areas of the park. Proactive planning for visitor use is needed to support more responsive management that encourages access and connects visitors to key experiences while managing visitor use and protecting natural and cultural resources.

Scope — The visitor use management plan would provide guidance on the management of visitor activities throughout the park, an assessment of the need for new or modified visitor facilities, and identification of strategies for addressing visitor use issues such as crowding and resource impacts in both high-use and backcountry areas. The plan would give direction to the park regarding visitor use proposals and trends, aiding the park in connecting to new audiences while protecting resources.

High Priority Data Needs

Archeological Surveys.

Rationale — Approximately 3% of the park has been surveyed for archeological and cultural resources. Many of these surveys date to the 1950s and 1960s and are inadequate by current standards. Many developed areas, roads, and utility corridors lack adequate survey information. This lack of data can hinder the compliance process necessary for implementation of critical infrastructure projects. Completed surveys would greatly assist park managers to make well-informed decisions, avoid unnecessary project delays, and protect the cultural resources of the park.

Scope — This effort would complete archeological surveys, including background research; historic context development; and resource recordation for developed areas, roads, rights-of-way, and utility corridors throughout the park. This would involve intensive field study to document cultural resources in developed areas and entry of data into an accessible and searchable system for cultural resource compliance professionals. Information could also be used to update historic asset information in the Facility Management Software System database.

See appendix E for other ongoing high priority planning and data collection efforts that address key park issues.

Summary of High Priority and Other Planning and Data Needs		
Planning or Data Need	**Notes**	**Priority (H, M)**
Natural Resources		
Plans		
Resource stewardship strategy		H
Burro management plan		H
Texas Springs restoration plan		M
Flood mitigation plan	Integrate climate change projections for extreme storms	M
Water utility plan		M
Park sustainability plan	The park may consider updating its existing climate friendly action plan and environmental management systems used to track climate friendly options	M
Pupfish management plan		M
Data Needs and Studies		
Climate change vulnerability assessment		M
New hydrologic models		M
Increased water well monitoring		M
Water rights GIS layer		M
USGS lower carbonate aquifer model	Use to simulate how withdrawals in wells affect future water resources elsewhere	M
Delineate new wetlands conditions		M
Continuously updated aerial imagery		M
GIS layers for all types of geology (springs, geothermal, soils, volcanic data, paleontological resources, mining sites)		M
Accurate elevation data (LiDAR)		M
GIS layer of changed landscape post 2015 flood	Includes debris flows	M
Long-term specific studies on endemic species	Includes trends, occupancy, and distribution, presence/absences, ecological studies, GIS models/layers, shifts due to climate change, and databases	M
Ongoing on-site and nearby air quality monitoring providing updated pollutant deposition and ozone conditions at the park, maintaining a long-term record for understanding threats from development		M

Summary of High Priority and Other Planning and Data Needs		
Planning or Data Need	**Notes**	**Priority (H, M)**
Natural Resources (continued)		
Data Needs and Studies		
Additional studies to examine pollution dose-response relationships in sensitive park resources, including surveying for ozone-sensitive plant foliar ozone injury, lichen diversity, and monitoring mercury and other toxic contaminants in park biota		M
Monitoring Sky Island ecosystem		M
Burro data		M
Cultural Resources		
Plans		
Resource stewardship strategy		H
Backcountry cabin management plan		M
Archeological resources management plan	Integrate climate change considerations into plan	M
Numerous historic mining sites – individual management / preservation plans		M
Update museum collections management plan		M
Update ethnographic overview		M
Billie Mine site plan		M
Scotty's Castle preservation plan / Grapevine Developed Area plan		M
Scotty's Castle museum storage plan		M
Scotty's Castle museum collections plan		M
Scotty's Castle exhibit plan		M
Scotty's Castle flood and fire plan		M
Cultural resource stewardship plan to include coordination and mentoring volunteer stewards		M
Data Needs and Studies		
Archeological surveys	Focusing on developed areas, roads, rights-of-way, and utility corridors	H
GIS predictive model	To support development of park-specific programmatic agreements with the state historic preservation office, Advisory Council on Historic Preservation, tribes, and other interested parties	M

Summary of High Priority and Other Planning and Data Needs		
Planning or Data Need	**Notes**	**Priority (H, M)**
Cultural Resources (continued)		
Data Needs and Studies		
Archeological survey – other than developed areas	To support stewardship plan and development of GIS predictive model	M
Abandoned mine lands (AML) inventory	Focus on completing comprehensive inventory of AML sites that categorizes high, medium, and low priority mitigation needs and estimate the resources needed to address priority issues (hazards, reclamation issues, etc.)	M
Scotty's Castle engineering data		M
Update cultural landscape inventory and report for Scotty's Castle		M
Damage assessment on Scotty's Castle District archeological sites		M
Historical data on utilities for Scotty's Castle		M
Identify, evaluate, and document cultural landscapes		M
Condition assessments	To support stewardship planning, meet national goals	M
Data management protocols	Maintain GIS database, complete and digitize legacy data	M
Enter cultural resources, especially mine sites, backcountry cabins, and ruins into the Facility Management Software System database		M
Develop historic themes and contexts for roads, recreation and tourism, historic utilities, ranching, nonmining use of the backcountry, and ethnohistoric period		M
Historic roads inventory		M
Archeological survey for California State Route 190		M
Cultural landscape inventories associated with historic sites		M
Cultural landscape reports for historic sites planned for preservation or visitor use		M
Historic cabin survey, site recordation, and assessments of national register eligibility		M
Mining sites survey		M

Summary of High Priority and Other Planning and Data Needs		
Planning or Data Need	**Notes**	**Priority (H, M)**
Visitor Experience, Interpretation, and Education		
Plans		
Visitor use management plan		H
Trails management plan		M
Visual resource management plan	The plan would use the visual resource inventory as a baseline to identify goals, objectives, and strategies for protecting the valued characteristics of important views	M
Commercial services plan		M
Climbing and canyoneering management plan		M
Copper Canyon management and visitor use plan		M
Update long-range interpretive plan		M
Scotty's Castle interpretation plan		M
Wilderness character restoration plan		M
Plan to implement a backcountry permit system		M
Plan for night sky viewing area		M
Data Needs and Studies		
Visitor use data and statistics		M
Visual resource inventory		M
Traffic counter statistics		M
Night lumens and sky quality monitoring		M
GIS data layer(s) for visitor use	Including backcountry use	M
Off-road vehicle / vehicle use data		M
GIS layer for illegal incidents	Includes vandalism and ORV use in wilderness	M
Condition assessment of backcountry cabins		M
Collect data to run wilderness character model		M
Facilities		
Plans		
Office space plan	Includes work spaces such as science labs and training facilities for all staff	H
Technology and telecommunications plan		H
Keane Wonder Mine site plan		M

Summary of High Priority and Other Planning and Data Needs		
Planning or Data Need	**Notes**	**Priority (H, M)**
Facilities (continued)		
Plans		
Cow Creek and Furnace Creek site plan		M
Stovepipe and remote areas site plan		M
Scotty's Castle / Grapevine developed area site plan		M
Emigrant Ranger Station site plan		M
Wildrose and Upper Panamint site plan		M
Darwin site plan		M
Museum space plan		M
Data Needs and Studies		
Survey(s) of developed areas and roads for infrastructure		M
Survey of utility corridor rights-of-way		M
Standard operating procedures for capturing cost and Facility Management Software System data		M
Administration/Operations		
Plans		
Position management plan		H
Technology and telecommunications plan		H
Continuation of operations plan	Includes emergency action plan and emergency response plans	M
Security plan for developed areas		M
Data management plan		M
Updated park housing plan		M
Zoning plan	Addressing land use and management of uses	M
Multimodal transportation plan	Addressing traffic management, alternative transportation such as bicycles, and alternative transportation patterns	M
Data Needs and Studies		
Cadastral survey of the park		M
Parkwide operational review	May be accomplished through a Transitional Management Assistance Program study (TMAP)	M

Part 3: Contributors

Death Valley National Park

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Appendixes

Appendix A: Enabling Legislation and Selected Legislative Acts for Death Valley National Park

- Presidential Proclamation No. 2028, February 11, 1933, establishment of Death Valley National Monument (included).
- Public Law 73-49, June 13, 1933, extending mining laws to Death Valley National Monument.
- Private Law 74-256, August 22, 1935, land patent authorization for land acquisition to Albert M. Johnson and Walter Scott (included).
- Presidential Proclamation No. 2228, March 26, 1937, enlarging Death Valley National Monument (included).
- Public Law 868, October 17, 1940, exchange of certain patented lands.
- Public Law 121, July 8, 1943, amends exchange of certain patented land laws.
- Presidential Proclamation No. 2961, January 17, 1952, boundary revision to include Devils Hole (included).
- Public Law 286, March 29, 1952, authorized acquisition of lands.
- Public Law 85-496, July 2, 1958, authorized acquisition of lands.
- *Cappaert v. United States*, 426 U.S. 128 (1976), Devils Hole water rights Supreme Court decision (included).
- Mining in the Parks Act, September 28, 1976 (Public Law 94-429, Sec. 2371), to provide for the regulation of mining activity within, and to repeal the application of mining laws to, areas of the national park system (included).
- Public Law 101-512, November 5, 1990, appropriations.
- Public Law 102-154, November 13, 1991, feral burro removal.
- Public Law 102-381, October 5, 1992, feral burro removal.
- California Desert Protection Act, October 31, 1994 (Public Law 103-433, Sec. 21), establishment of Death Valley National Park and designation of Death Valley Wilderness (included).
- Public Law 103-433 Sec. 901, October 31, 1994, authorization of appropriations.
- The Timbisha Shoshone Homeland Act, November 1, 2000 (Public Law 106-423, Sec. 2102), establishment of nonexclusive special use areas for the Timbisha Shoshone Tribe, subject to other federal law (included).

Presidential Proclamation No. 2028, February 11, 1933, establishment of Death Valley National Monument

DEATH VALLEY NATIONAL MONUMENT—CALIFORNIA

February 11, 1933.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Death Valley National Monument, Calif.

Preamble.

WHEREAS it appears that the public interest would be promoted by including certain lands known as Death Valley, in California, within a national monument for the preservation of the unusual features of scenic, scientific, and educational interest therein contained:

National monument established. Vol. 34, p. 225. U. S. C., p. 416.

NOW, THEREFORE, I, HERBERT HOOVER, President of the United States of America, by virtue of the power in me vested by section 2 of the act of Congress entitled "AN ACT For the preservation of American antiquities," approved June 8, 1906 (34 Stat. 225), do proclaim and establish the Death Valley National Monument and that, subject to all valid existing rights, the area indicated on the diagram hereto annexed and forming a part hereof be, and the same is hereby, included within the said national monument.

Warning against unauthorized acts.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or to remove any feature of this monument and not to locate or settle upon any of the lands thereof.

Supervision.

The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of this monument as provided in the act of Congress entitled "AN ACT To establish a National Park Service, and for other purposes," approved August 25, 1916 (39 Stat. 535–536), and acts additional thereto or amendatory thereof.

Vol. 39, p. 535. U. S. C., p. 389.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 11'' day of February, in the year of our Lord nineteen hundred and thirty-three, and [SEAL] of the Independence of the United States of America the one hundred and fifty-seventh.

HERBERT HOOVER

By the President:
HENRY L STIMSON
Secretary of State.

[No. 2028]

Private Law 74-256, August 22, 1935, land patent authorization for land acquisition to Albert M. Johnson and Walter Scott

[CHAPTER 613.]

AN ACT

To grant a patent to Albert M. Johnson and Walter Scott.

August 22, 1935.
[H. R. 2476.]
[Private, No. 256.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subject to prior valid existing rights the Secretary of the Interior is hereby authorized to issue a patent to Albert M. Johnson and/or Walter Scott (Death Valley Scotty) for the following-described land in the Death Valley National Monument upon payment therefor at the rate of $1.25 per acre or under any applicable public-land law subject, however, to the reservation of such rights-of-way as the said Secretary may determine to be necessary or advisable for use in connection with the administration of said monument, to wit:

Albert M. Johnson and Walter Scott. Land patent to.

Payment, etc.

Those parts of sections 1, 2, 3, 4, 10, 11, and 12, township 11 south, range 42 east; and those parts of sections 5, 6, and 7, township 11 south, range 43 east, Mount Diablo meridian, California, occupied by Albert M. Johnson and/or Walter Scott in the form of Upper and Lower Grapevine Ranches and marked on the ground by concrete fence posts according to the Roger Wilson survey of 1931 and on file in the General Land Office; also the remainder of the southwest quarter northwest quarter section 10, township 11 south, range 42 east, and south half northwest quarter (lots 11 and 12) section 6, township 11 south, range 43 east; containing, in all, approximately one thousand five hundred acres: *Provided*, That such patent shall contain a reservation to the United States of all the minerals the land may contain, together with the right to prospect for, mine, and remove the same; such minerals to be subject to disposal by the United States only as may hereafter be expressly authorized by law: *And provided further*, That such land shall not be used for any purpose inconsistent with the rules and regulations governing national monuments: *And provided further*, That in the event of transfer of title to the whole of this property or any estate therein by either one or both patentees, by voluntary conveyance or by operation of law, the Secretary of the Interior shall be authorized to reacquire the land by purchase, condemnation, or otherwise out of such funds as may be made available by Congress for this purpose.

Description.

Provisos.
Minerals reserved.

Limitation on use.

Transfer provisions.

Approved, August 22, 1935.

Presidential Proclamation No. 2228, March 26, 1937, enlarging Death Valley National Monument

ENLARGING THE DEATH VALLEY NATIONAL MONUMENT—CALIFORNIA AND NEVADA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

March 26, 1937
[No. 2228]

A PROCLAMATION

Death Valley National Monument, Calif. and Nev. Preamble. 47 Stat. 2554.

WHEREAS certain public lands contiguous to the Death Valley National Monument, established by the Proclamation of February 11, 1933 (47 Stat. 2554), have situated thereon various objects of historic and scientific interest, and are necessary for the proper care, management and protection of unusual features of scientific interest within the said monument; and

WHEREAS it appears that it would be in the public interest to reserve such lands as an addition to the Death Valley National Monument:

Area enlarged.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the Act of June 8, 1906 (ch. 3060, 34 Stat. 225; U. S. C. title 16 sec. 431), do proclaim that, subject to the provisions of the Act of Congress approved June 13, 1933 (48 Stat. 139), and to all valid existing rights, the following described lands in California and Nevada be, and the same are hereby added to and made a part of the Death Valley National Monument:

34 Stat. 225. 16 U. S. C. § 431. 48 Stat. 139. 16 U. S. C. § 447.

Description.

MOUNT DIABLO MERIDIAN—CALIFORNIA

T. 18 S., R. 44 E.,
that part southwest of former west boundary of Monument (unsurveyed).
T. 19 S., R. 44 E.,
that part southwest of former west boundary of Monument (unsurveyed).
T. 19 S., R. 45 E.,
that part southwest of former west boundary of Monument.
T. 20 S., R. 45 E.,
that part west of former west boundary of Monument.

SAN BERNARDINO MERIDIAN—CALIFORNIA

T. 25 N., R. 3 E.,
those parts of secs. 5, 8, 16 and 17 lying southwest of a line parallel to and 500 ft. northeasterly from the center line of Dante's View highway.
T. 18 N., R. 4 E.,
secs. 1 to 12, inclusive; N½ sec. 13; N½ sec. 14; N½ sec. 15; N½ sec. 16; N½ sec. 17; N½ sec. 18 (partly unsurveyed).
Tps. 19, 20 and 21 N., R. 4 E.
(partly unsurveyed).
T. 22 N., R. 4 E.,
secs. 31 to 36, inclusive (partly unsurveyed).
T. 18 N., R. 5 E.,
secs. 1 to 12, inclusive; N½ sec. 13; N½ sec. 14; N½ sec. 15; N½ sec. 16; N½ sec. 17, N½ sec. 18 (partly unsurveyed).
T. 19 N., R. 5 E.
(partly unsurveyed).
T. 20 N., R. 5 E.,
secs. 25 to 36, inclusive (unsurveyed).

T. 18 N., R. 6 E.,
W½ sec. 5; secs. 6 and 7; W½ sec. 8; NW¼ sec. 17, N½ sec. 18 (partly unsurveyed).
T. 19 N., R. 6 E.,
W½ sec. 5; secs. 6 and 7; W½ sec. 8; W½ sec. 17; secs. 18 and 19; W½ sec. 20; W½ sec. 29; secs. 30 and 31; W½ sec. 32 (unsurveyed).
T. 20 N., R. 6 E.,
W½ sec. 29; secs. 30 and 31; W½ sec. 32 (unsurveyed).

MOUNT DIABLO MERIDIAN—NEVADA

T. 11 S., R. 42 E., (unsurveyed).
Tps. 11 and 12 S., R. 43 E. (unsurveyed).
Tps. 11, 12 and 13 S., R. 44 E. (unsurveyed).
Tps. 11, 12, 13 and 14 S., R. 45 E. (partly unsurveyed), containing approximately 305,920 acres.

Warning against unauthorized acts.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

Supervision.

The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of the monument as provided in the act of Congress entitled "An Act To establish a National Park Service, and for other purposes," approved August 25, 1916 (ch. 408, 39 Stat. 535, U. S. C. title 16, secs. 1 and 2), and acts supplementary thereto or amendatory thereof.

39 Stat. 535.
16 U. S. C. §§ 1, 2.

Certain Executive orders superseded.

The reservation made by this proclamation supersedes as to any of the above-described lands affected thereby the withdrawal made by Executive Order No. 6910 of November 26, 1934, as amended, and Executive Order of December 1, 1913, creating Public Water Reserve No. 13.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 26th day of March, in the year of our Lord nineteen hundred and thirty-seven and [SEAL] of the Independence of the United States of America the one hundred and sixty-first.

FRANKLIN D ROOSEVELT

The President,
CORDELL HULL
Secretary of State.

Presidential Proclamation No. 2961, January 17, 1952, boundary revision to include Devils Hole

ADDITION OF DEVIL'S HOLE, NEVADA, TO DEATH VALLEY NATIONAL MONUMENT—CALIFORNIA AND NEVADA

January 17, 1952
[No. 2961]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS by Proclamation No. 2028 of February 11, 1933 (47 Stat. 2554), certain lands in California known as Death Valley were set aside and reserved as the Death Valley National Monument for the preservation of the unusual features of scenic, scientific, and educational interest therein contained; and by Proclamation No. 2228 of March 26, 1937 (50 Stat. 1823), the said monument was enlarged by adding thereto certain contiguous lands in California and Nevada; and

WHEREAS there is located outside the boundaries of the said monument but in the vicinity thereof a forty-acre tract of public land in Nevada containing a remarkable underground pool known as Devil's Hole; and

WHEREAS the said pool is a unique subsurface remnant of the prehistoric chain of lakes which in Pleistocene times formed the Death Valley Lake System, and is unusual among caverns in that it is a solution area in distinctly striated limestone, while also owing its formation in part to fault action; and

WHEREAS the geologic evidence that this subterranean pool is an integral part of the hydrographic history of the Death Valley region is further confirmed by the presence in this pool of a peculiar race of desert fish, and zoologists have demonstrated that this race of fish, which is found nowhere else in the world, evolved only after the gradual drying up of the Death Valley Lake System isolated this fish population from the original ancestral stock that in Pleistocene times was common to the entire region; and

WHEREAS the said pool is of such outstanding scientific importance that it should be given special protection, and such protection can be best afforded by making the said forty-acre tract containing the pool a part of the said monument:

Death Valley National Monument. Addition of Devil's Hole, Nev.

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the act of June 8, 1906, 34 Stat. 225 (16 U. S. C. 431), do proclaim that, subject to the provisions of the act of Congress approved June 13, 1933, 48 Stat. 139 (16 U. S. C. 447), and to all valid existing rights, the following-described tract of land in Nevada is hereby added to and reserved as a part of the Death Valley National Monument, as a detached unit thereof:

MOUNT DIABLO MERIDIAN, NEVADA

T. 17 S., R. 50 E.,
sec. 36, SW ¼ SE ¼.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this addition to the said monument and not to locate or settle on any of the lands thereof.

Supervision and management.

The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of the lands hereby added to the said monument as provided in the act of Congress entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U. S. C. 1–3), and acts supplementary thereto or amendatory thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 17th day of January in the year of our Lord nineteen hundred and fifty-two, and of the [SEAL] Independence of the United States of America the one hundred and seventy-sixth.

HARRY S TRUMAN

By the President:
DEAN ACHESON
Secretary of State

Cappaert v. United States, 426 U.S. 128 (1976), Devils Hole Water Rights Supreme Court Decision

CAPPAERT v. UNITED STATES, 426 U.S. 128 (1976)

426 U.S. 128

CAPPAERT ET AL. v. UNITED STATES ET AL.
CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

No. 74-1107.

Argued January 12, 1976
Decided June 7, 1976 *

[Footnote *] Together with No. 74-1304, Nevada ex rel. Westergard v. United States et al., also on certiorari to the same court.

Devil's Hole, a deep cavern on federal land in Nevada containing an underground pool inhabited by a unique species of desert fish, was reserved as a national monument by a 1952 Presidential Proclamation issued under the American Antiquities Preservation Act, which authorizes the President to proclaim as national monuments, inter alia, "objects of historic or scientific interest" situated on federal land. In 1968 the Cappaerts, petitioners in No. 74-1107, who own a nearby ranch, began pumping groundwater coming from the same source as the water in Devil's Hole, thereby reducing the water level in Devil's Hole and endangering its fish. Subsequently, the Cappaerts applied to the Nevada State Engineer for permits to change the use of water from several of their wells. Although the United States was not made a party to that proceeding, the National Park Service filed a protest, seeking either a denial of the application or a postponement of a decision until it could be determined whether the pumping of the Cappaerts' wells should be limited to prevent lowering of the water in Devil's Hole. The State Engineer overruled the protest and granted the permits. The United States then filed suit in the District Court seeking to limit the Cappaerts' pumping of their wells. The District Court permanently enjoined pumping that would lower the water below a certain level necessary to preserve the fish, holding that in establishing Devil's Hole as a national monument, the President reserved appurtenant, unappropriated waters necessary to the purpose of the reservation, including preservation of the pool and its fish, that the federal water rights antedated those of the Cappaerts, and that the United States was not stopped from injunctive relief against the use of water under land exchanged with the Cappaerts. The Court of Appeals affirmed. Held: As of 1952 when the United States reserved Devil's Hole, it acquired by reservation water rights in unappropriated appurtenant water sufficient to maintain the level of the underground pool to preserve its scientific [426 U.S. 128, 129] value and thereby implement the Presidential Proclamation. Pp. 138-147.

(a) When the Federal Government reserves land from the public domain, by implication it reserves water rights sufficient to accomplish the purposes of the reservation, and here the 1952 Proclamation expressed an intention to reserve unappropriated water. Pp. 138-141.
(b) The purpose of reserving Devil's Hole being the preservation of the underground pool, the District Court appropriately tailored its injunction to the minimal need, curtailing pumping only to the extent necessary to preserve a water level adequate to protect the pool's scientific value as the natural habitat of the fish species sought to be preserved. P. 141.
(c) The American Antiquities Preservation Act authorized the President to reserve the pool in Devil's Hole, since such pool and its rare inhabitants are "objects of historic or scientific interest" within the meaning of that Act. Pp. 141-142.
(d) Since the implied-reservation-of-water doctrine is based on the necessity of water for the purpose of the federal reservation, the United States can protect its water from subsequent diversion, whether the diversion is of surface water or groundwater. Pp. 142-143.

(e) Since the Desert Land Act of 1877, which provides that patentees of public land acquire only title to land through the patent and must acquire water rights in nonnavigable water in accordance with state law, does not apply to water rights of federal reserved land, FPC v. Oregon, 349 U.S. 435 , determination of such reserved water rights is not governed by state law but derives from the federal purpose of the reservation, and thus the fact that the water rights here reserved apply to nonnavigable rather than navigable water is irrelevant. Pp. 143-146.
(f) That the National Park Service filed a protest to the Cappaerts' pumping permit application in the state administrative proceeding, did not bar the United States, by res judicata or collateral estoppel, from litigating its water-rights claim in federal court. The United States was not made a party to the state proceeding, was not in privity with the Cappaerts, and did not assert any federal water-rights claims in such proceeding; and thus the issue raised in the District Court was not decided in the state proceedings. Pp. 146-147.
508 F.2d 313, affirmed.

BURGER, C. J., delivered the opinion for a unanimous Court. [426 U.S. 128, 130]

Samuel S. Lionel argued the cause and filed briefs for petitioners in No. 74-1107. George Allison, Special Deputy Attorney General of Nevada, argued the cause for petitioner in No. 74-1304. With him on the briefs was Peter D. Laxalt, Special Deputy Attorney General.

Deputy Solicitor General Randolph argued the cause for the United States in both cases. With him on the brief were Solicitor General Bork, Acting Assistant Attorney General Kiechel, Harry R. Sachse, Jacques B. Gelin, John H. Germeraad, and Robert L. Klarquist.Fn

Fn [426 U.S. 128, 130] Briefs of amici curiae urging reversal in both cases were filed (1) for the States of Colorado, North Dakota, and Washington by J. D. MacFarlane, Attorney General of Colorado, Jean E. Dubofsky, Deputy Attorney General, Edward G. Donovan, Solicitor General, David W. Robbins, First Assistant Attorney General, Charles M. Elliott, Special Assistant Attorney General, Allen I. Olson, Attorney General of North Dakota, Gerald W. Vandewalle, Chief Deputy Attorney General, Slade Gorton, Attorney General of Washington, and Charles B. Roe, Senior Assistant Attorney General; and (2) for the States of Arizona, Hawaii, Idaho, Kansas, Montana, Nebraska, New Mexico, Oklahoma, South Dakota, Utah, and Wyoming by Bruce Babbitt, Attorney General of Arizona, Ronald Y. Amemiya, Attorney General of Hawaii, Wayne L. Kidwell, Attorney General of Idaho, Curt T. Schneider, Attorney General of Kansas, Robert L. Woodahl, Attorney General of Montana, Paul L. Douglas, Attorney General of Nebraska, Antonio Anaya, Attorney General of New Mexico, Larry Derryberry, Attorney General of Oklahoma, William J. Janklow, Attorney General of South Dakota, Vernon B. Romney, Attorney General of Utah, and V. Frank Mendicino, Attorney General of Wyoming.

Bruce R. Green and Robert S. Pelcyger filed a brief for the Salt River Pima-Maricopa Indian Community et al. as amici curiae urging affirmance in No. 74-1304.

Evelle J. Younger, Attorney General, Carl Boronkay, Assistant Attorney General, and Roderick Walston, Richard C. Jacobs, and Douglas B. Noble, Deputy Attorneys General, filed a brief for the State of California as amicus curiae in No. 74-1304. [426 U.S. 128, 131]

MR. CHIEF JUSTICE BURGER delivered the opinion of the Court.

The question presented in this litigation is whether the reservation of Devil's Hole as a national monument reserved federal water rights in unappropriated water.

Devil's Hole is a deep limestone cavern in Nevada. Approximately 50 feet below the opening of the cavern is a pool 65 feet long, 10 feet wide, and at least 200 feet deep, although its actual depth is unknown. The pool is a remnant of the prehistoric Death Valley Lake System and is situated on land owned by the United States since the Treaty of Guadalupe Hidalgo in 1848, 9 Stat. 922. By the Proclamation of January 17, 1952, President Truman withdrew from the public domain a 40-acre tract of land surrounding Devil's Hole, making it a detached component of the Death Valley National Monument. Proclamation No. 2961, 3 CFR 147 (1949-1953 Comp.). 1 The Proclamation was issued under the American Antiquities Preservation Act, 34 Stat. 225, 16 U.S.C. 431, which authorizes the President to declare as national monuments "objects of historic or scientific interest [426 U.S. 128, 132] that are situated upon the lands owned or controlled by the Government of the United States . . . ."

The 1952 Proclamation notes that Death Valley was set aside as a national monument "for the preservation of the unusual features of scenic, scientific, and educational interest therein contained." The Proclamation also notes that Devil's Hole is near Death Valley and contains a "remarkable underground pool." Additional preambulary statements in the Proclamation explain why Devil's Hole was being added to the Death Valley National Monument:

> "Whereas the said pool is a unique subsurface remnant of the prehistoric chain of lakes which in Pleistocene times formed the Death Valley Lake System, and is unusual among caverns in that it is a solution area in distinctly striated limestone, while also owing its formation in part to fault action; and
> "Whereas the geologic evidence that this subterranean pool is an integral part of the hydrographic history of the Death Valley region is further confirmed by the presence in this pool of a peculiar race of desert fish, and zoologists have demonstrated that this race of fish, which is found nowhere else in the world, evolved only after the gradual drying up of the Death Valley Lake System isolated this fish population from the original ancestral stock that in Pleistocene times was common to the entire region; and
> "Whereas the said pool is of such outstanding scientific importance that it should be given special protection, and such protection can be best afforded by making the said forty-acre tract containing the pool a part of the said monument . . . ."

The Proclamation provides that Devil's Hole should be supervised, managed, and directed by the National [426 U.S. 128, 133] Park Service, Department of the Interior. Devil's Hole is fenced off, and only limited access is allowed by the Park Service.

The Cappaert petitioners own a 12,000-acre ranch near Devil's Hole, 4,000 acres of which are used for growing Bermuda grass, alfalfa, wheat, and barley; 1,700 to 1,800 head of cattle are grazed. The ranch represents an investment of more than $7 million; it employs more than 80 people with an annual payroll of more than $340,000.

In 1968 the Cappaerts began pumping groundwater on their ranch on land 2 1/2 miles from Devil's Hole; they were the first to appropriate ground water. The groundwater comes from an underground basin or aquifer which is also the source of the water in Devil's Hole. After the Cappaerts began pumping from the wells near Devil's Hole, which they do from March to October, the summer water level of the pool in Devil's Hole began to decrease. Since 1962 the level of water in Devil's Hole has been measured with reference to a copper washer installed on one of the walls of the hole by the United States Geological Survey. Until 1968, the water level, with seasonable variations, had been stable at 1.2 feet below the copper marker. In 1969 the water level in Devil's Hole was 2.3 feet below the copper washer; in 1970, 3.17 feet; in 1971, 3.48 feet; and, in 1972, 3.93 feet.

When the water is at the lowest levels, a large portion of a rock shelf in Devil's Hole is above water. However, when the water level is at 3.0 feet below the marker or higher, most of the rock shelf is below water, enabling algae to grow on it. This in turn enables the desert fish (cyprinodon diabolis, commonly known as Devil's Hole pupfish), referred to in President Truman's Proclamation, to spawn in the spring. As the rock shelf becomes [426 U.S. 128, 134] exposed, the spawning area is decreased, reducing the ability of the fish to spawn in sufficient quantities to prevent extinction.

In April 1970 the Cappaerts, pursuant to Nevada law, Nev. Rev. Stat. 533.325 (1973), applied to the State Engineer, Roland D. Westergard, for permits to change the use of water from several of their wells. Although the United States was not a party to that proceeding and was never served, employees of the National Park Service learned of the Cappaerts' application through a public notice published pursuant to Nevada law. 533.360. An official of the National Park Service filed a protest as did a private firm. Nevada law permits interested persons to protest an application for a permit; the protest may be considered by the State Engineer at a hearing. 533.365. A hearing was conducted on December 16, 1970, and a field solicitor of the Department of the Interior appeared on behalf of the National Park Service. He presented documentary and testimonial evidence, informing the State Engineer that because of the declining water level of Devil's Hole the United States had commissioned a study to determine whether the wells on the Cappaerts' land were hydrologically connected to Devil's Hole and, if so, which of those wells could be pumped safely and which should be limited to prevent lowering of the water level in Devil's Hole. The Park Service field solicitor requested either that the Cappaerts' application be denied or that decision on the application be postponed until the studies were completed.

The State Engineer declined to postpone decision. At the conclusion of the hearing he stated that there was no recorded federal water right with respect to Devil's Hole, that the testimony indicated that the Cappaerts' pumping would not unreasonably lower the water table or adversely affect existing water rights, and that the [426 U.S. 128, 135] permit would be granted since further economic development of the Cappaerts' land would be in the public interest. In his oral ruling the State Engineer stated in part that "the protest to the applications that are the subject of this hearing are overruled and the applications will be issued subject to existing rights." The National Park Service did not appeal. See Nev. Rev. Stat. 533.450 (1973).

In August 1971 the United States, invoking 28 U.S.C. 1345, 2 sought an injunction in the United States District Court for the District of Nevada to limit, except for domestic purposes, the Cappaerts' pumping from six specific wells and from specific locations near Devil's Hole. The complaint alleged that the United States, in establishing Devil's Hole as part of Death Valley National Monument, reserved the unappropriated waters appurtenant to the land to the extent necessary for the requirements and purposes of the reservation. The complaint further alleged that the Cappaerts had no perfected water rights as of the date of the reservation. The United States asserted that pumping from certain of the Cappaerts' wells had lowered the water level in Devil's Hole, that the lower water level was threatening the survival of a unique species of fish, and that irreparable harm would follow if the pumping were not enjoined. On June 2, 1972, the United States filed an amended complaint, adding two other specified wells to the list of those to be enjoined.

The Cappaerts answered, admitting that their wells draw water from the same underlying sources supplying [426 U.S. 128, 136] Devil's Hole, but denying that the reservation of Devil's Hole reserved any water rights for the United States. The Cappaerts alleged that the United States was estopped from enjoining use of water under land which it had exchanged with the Cappaerts. The State of Nevada intervened on behalf of the State Engineer as a party defendant but raised no affirmative defenses.

On June 5, 1973, the District Court, by Chief Judge Roger D. Foley, entered a preliminary injunction limiting pumping from designated wells so as to return the level of Devil's Hole to not more than 3.0 feet below the marker. Detailed findings of fact were made and the District Judge then appointed a Special Master to establish specific pumping limits for the wells and to monitor the level of the water at Devil's Hole. The District Court found that the water from certain of the wells was hydrologically connected to Devil's Hole, that the Cappaerts were pumping heavily from those wells, and that pumping had lowered the water level in Devil's Hole. The court also found that the pumping could be regulated to stabilize the water level at Devil's Hole and that neither establishing an artificial shelf nor transplanting the fish was a feasible alternative that would preserve the species. The District Court further found that if the injunction did not issue "there is grave danger that the Devil's Hole pupfish may be destroyed, resulting in irreparable injury to the United States." 375 F. Supp. 456, 460 (1974).

The District Court then held that in establishing Devil's Hole as a national monument, the President reserved appurtenant, unappropriated waters necessary to the purpose of the reservation; the purpose included preservation of the pool and the pupfish in it. The District Court also held that the federal water rights antedated those of the Cappaerts, that the United States [426 U.S. 128, 137] was not estopped, and that the public interest required granting the injunction. On April 9, 1974, the District Court entered its findings of fact and conclusions of law substantially unchanged in a final decree permanently enjoining pumping that lowers the level of the water below the 3.0-foot level. 375 F. Supp. 456 (1974).

The Court of Appeals for the Ninth Circuit affirmed, 508 F.2d 313 (1974), 3 in a thorough opinion by Senior District Judge Gus J. Solomon, sitting by designation, holding that the implied-reservation-of-water doctrine applied to groundwater as well as to surface water. The Court of Appeals held that "[t]he fundamental purpose of the reservation of the Devil's Hole pool was to assure that the pool would not suffer changes from its condition at the time the Proclamation was issued in 1952 . . . ." Id., at 318. The Court of Appeals further held that neither the Cappaerts nor their successors in interest had any water rights in 1952, nor was the United States estopped from asserting its water rights by exchanging land with the Cappaerts. In answer to contentions raised by the intervenor Nevada, the Court of Appeals held that "the United States is not bound by state water laws when it reserves land from the public domain," id., at 320, and does not need to take steps to perfect its rights with the State; that the District Court had concurrent jurisdiction with the state courts to resolve this claim; and, that the state administrative procedures granting the Cappaerts' permit did not bar resolution of the United States' suit in Federal District Court. [426 U.S. 128, 138]

We granted certiorari to consider the scope of the implied-reservation-of-water-rights doctrine. 422 U.S. 1041 (1975). We affirm.

I

Reserved-Water-Rights Doctrine

This Court has long held that when the Federal Government withdraws its land from the public domain and reserves it for a federal purpose, the Government, by implication, reserves appurtenant water then unappropriated to the extent needed to accomplish the purpose of the reservation. In so doing the United States acquires a reserved right in unappropriated water which vests on the date of the reservation and is superior to the rights of future appropriators. Reservation of water rights is empowered by the Commerce Clause, Art. I, 8, which permits federal regulation of navigable streams, and the Property Clause, Art. IV, 3, which permits federal regulation of federal lands. The doctrine applies to Indian reservations and other federal enclaves, encompassing water rights in navigable and nonnavigable streams. Colorado River Water Cons. Dist. v. United States, 424 U.S. 800, 805 (1976); United States v. District Court for Eagle County, 401 U.S. 520, 522 -523 (1971); Arizona v. California, 373 U.S. 546, 601 (1963); FPC v. Oregon,

349 U.S. 435 (1955); United States v. Powers, 305 U.S. 527 (1939); Winters v. United States, 207 U.S. 564 (1908).

Nevada argues that the cases establishing the doctrine of federally reserved water rights articulate an equitable doctrine calling for a balancing of competing interests. However, an examination of those cases shows they do not analyze the doctrine in terms of a balancing test. For example, in Winters v. United States, supra, the Court did not mention the use made of the water by the upstream landowners in sustaining an injunction barring [426 U.S. 128, 139] their diversions of the water. The "Statement of the Case" in Winters notes that the upstream users were homesteaders who had invested heavily in dams to divert the water to irrigate their land, not an unimportant interest. The Court held that when the Federal Government reserves land, by implication it reserves water rights sufficient to accomplish the purposes of the reservation. 4

In determining whether there is a federally reserved water right implicit in a federal reservation of public land, the issue is whether the Government intended to reserve unappropriated and thus available water. Intent is inferred if the previously unappropriated waters are necessary to accomplish the purposes for which the reservation was created. See, e. g., Arizona v. California, supra, at 599-601; Winters v. United States, supra, at 576. Both the District Court and the Court of Appeals held that the 1952 Proclamation expressed an intention to reserve unappropriated water, and we agree. 5 The [426 U.S. 128, 140] Proclamation discussed the pool in Devil's Hole in four of the five preambles and recited that the "pool . . . should be given special protection." Since a pool is a body of water, the protection contemplated is meaningful only if the water remains; the water right reserved by the 1952 Proclamation was thus explicit, not implied. 6

Also explicit in the 1952 Proclamation is the authority of the Director of the Park Service to manage the lands of Devil's Hole Monument "as provided in the act of Congress entitled `An Act to establish a National Park Service, and for other purposes,' approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-3) . . . ." The National Park Service Act provides that the "fundamental purpose of the said parks, monuments, and reservations" is [426 U.S. 128, 141] "to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." 39 Stat. 535, 16 U.S.C. 1.

The implied-reservation-of-water-rights doctrine, however, reserves only that amount of water necessary to fulfill the purpose of the reservation, no more. Arizona v. California, supra, at 600-601. Here the purpose of reserving Devil's Hole Monument is preservation of the pool. Devil's Hole was reserved "for the preservation of the unusual features of scenic, scientific, and educational interest." The Proclamation notes that the pool contains "a peculiar race of desert fish . . . which is found nowhere else in the world" and that the "pool is of . . . outstanding scientific importance . . . ." The pool need only be preserved, consistent with the intention expressed in the Proclamation, to the extent necessary to preserve its scientific interest. The fish are one of the features of scientific interest. The preamble noting the scientific interest of the pool follows the preamble describing the fish as unique; the Proclamation must be read in its entirety. Thus, as the District Court has correctly determined, the level of the pool may be permitted to drop to the extent that the drop does not impair the scientific value of the pool as the natural habitat of the species sought to be preserved. The District Court thus tailored its injunction, very appropriately, to minimal need, curtailing pumping only to the extent necessary to preserve an adequate water level at Devil's Hole, thus implementing the stated objectives of the Proclamation.

Petitioners in both cases argue that even if the intent of the 1952 Proclamation were to maintain the pool, the American Antiquities Preservation Act did not give the President authority to reserve a pool. Under that Act, according to the Cappaert petitioners, the President may [426 U.S. 128, 142] reserve federal

lands only to protect archeologic sites. However, the language of the Act which authorizes the President to proclaim as national monuments "historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government" is not so limited. The pool in Devil's Hole and its rare inhabitants are "objects of historic or scientific interest." See generally Cameron v. United States, 252 U.S. 450, 451 -456 (1920).

II

Groundwater

No cases of this Court have applied the doctrine of implied reservation of water rights to groundwater. Nevada argues that the implied-reservation doctrine is limited to surface water. Here, however, the water in the pool is surface water. The federal water rights were being depleted because, as the evidence showed, the "[g]roundwater and surface water are physically interrelated as integral parts of the hydrologic cycle." C. Corker, Groundwater Law, Management and Administration, National Water Commission Legal Study No. 6, p. xxiv (1971). Here the Cappaerts are causing the water level in Devil's Hole to drop by their heavy pumping. See Corker, supra; see also Water Policies for the Future - Final Report to the President and to the Congress of the United States by the National Water Commission 233 (1973). It appears that Nevada itself may recognize the potential interrelationship between surface and ground water since Nevada applies the law of prior appropriation to both. Nev. Rev. Stat. 533.010 et seq., 534.020, 534.080, 534.090 (1973). See generally F. Trelease, Water Law - Resource Use and Environmental Protection 457-552 (2d ed. 1974); C. Meyers & A. Tarlock, [426 U.S. 128, 143] Water Resource Management 553-634 (1971). Thus, since the implied-reservation-of-water-rights doctrine is based on the necessity of water for the purpose of the federal reservation, we hold that the United States can protect its water from subsequent diversion, whether the diversion is of surface or ground water. 7

III

State Law

Petitioners in both cases argue that the Federal Government must perfect its implied water rights according to state law. They contend that the Desert Land Act of 1877, 19 Stat. 377, 43 U.S.C. 321, and its predecessors 8 severed nonnavigable water from public land, subjecting it to state law. That Act, however, provides that patentees of public land acquire only title to land through the patent and must acquire water rights in nonnavigable water in accordance with state law. California [426 U.S. 128, 144] Oregon Power Co. v. Beaver Portland Cement Co., 295 U.S. 142, 162 (1935); see Morreale, Federal-State Conflicts Over Western Waters - A Decade of Attempted "Clarifying Legislation," 20 Rutgers L. Rev. 423, 432 (1966). 9 This Court held in FPC v. Oregon, 349 U.S. 435, 448 (1955), that the Desert Land Act does not apply to water rights on federally reserved land. 10 [426 U.S. 128, 145]

The Cappaert petitioners argue that FPC v. Oregon, supra, must be overruled since, inter alia, the Court was unaware at the time that case was decided that there was no longer any public land available for homesteading. However, whether or not there was public land available for homesteading in 1955 is irrelevant to the meaning of the 1877 Act. The Desert Land Act still provides that the water rights of those who received their land from federal patents are to be governed by state law. That there may be no more federal land available for homesteading does not mean the Desert Land Act now applies to all federal land. Since the Act is inapplicable, determination of reserved water rights is not governed by state law but derives from the federal purpose of the reservation; the fact that the water rights here reserved apply to nonnavigable rather than navigable waters is thus irrelevant.

Since FPC v. Oregon, supra, was decided, several bills have been introduced in Congress to subject at least some federal water uses to state appropriation doctrines, but none has been enacted into law. The

most recent bill, S. 28, 92d Cong., 1st Sess., was introduced on January 25, 1971, and reintroduced under the same number in the 93d Cong., 1st Sess., on January 4, 1973. See Morreale, supra.

Federal water rights are not dependent upon state law or state procedures and they need not be adjudicated only in state courts; federal courts have jurisdiction under 28 U.S.C. 1345 to adjudicate the water rights claims of the United States. 11 Colorado River Water Cons. Dist. v. United States, 424 U.S., at 807 -809. The McCarran Amendment, 66 Stat. 560, 43 U.S.C. 666, did not repeal 1345 jurisdiction as applied to water rights. 424 U.S., at 808 -809. Nor, as Nevada suggests, [426 U.S. 128, 146] is the McCarran Amendment a substantive statute, requiring the United States to "perfect its water rights in the state forum like all other land owners." Brief for Nevada 37. The McCarran Amendment waives United States sovereign immunity should the United States be joined as a party in a state-court general water rights' adjudication, Colorado River Water Cons. Dist. v. United States, supra, at 808, and the policy evinced by the Amendment may, in the appropriate case, require the United States to adjudicate its water rights in state forums. Id., at 817-820.

IV

Res Judicata

Finally, Nevada, as intervenor in the Cappaerts' suit, argued in the Court of Appeals that the United States was barred by res judicata or collateral estoppel from litigating its water-rights claim in federal court. Nevada bases this conclusion on the fact that the National Park Service filed a protest to the Cappaerts' pumping permit application in the state administrative proceeding. Since we reject that contention, we need not consider whether the issue was timely and properly raised. We note only that the United States was not made a party to the state administrative proceeding; 12 nor was the United States in privity with the Cappaerts. See Blonder-Tongue Labs., Inc. v. University of Illinois Foundation, 402 U.S. 313, 320 -326 (1971). When the United States appeared to protest in the state proceeding it did not assert any federal water-rights claims, nor did it seek to adjudicate any claims until the hydrological studies as to the effects of the Cappaerts' pumping [426 U.S. 128, 147] had been completed. 13 The fact that the United States did not attempt to adjudicate its water rights in the state proceeding is not significant since the United States was not a party. The State Water Engineer's decree explicitly stated that it was "subject to existing rights"; thus, the issue raised in the District Court was not decided in the proceedings before the State Engineer. See Blonder-Tongue Labs., Inc. v. University of Illinois Foundation, supra, at 323. Cf. United States v. Utah Constr. & Min. Co., 384 U.S. 394, 422 (1966).

We hold, therefore, that as of 1952 when the United States reserved Devil's Hole, it acquired by reservation water rights in unappropriated appurtenant water sufficient to maintain the level of the pool to preserve its scientific value and thereby implement Proclamation No. 2961. Accordingly, the judgment of the Court of Appeals is

Affirmed.

Footnotes

[Footnote 1] The final paragraphs of the Proclamation withdrawing Devil's Hole from the public domain recite:

> "Now, Therefore, I, Harry S. Truman, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the act of June 8, 1906, 34 Stat. 225 (16 U.S.C. 431), do proclaim that, subject to the provisions of the act of Congress approved June 13, 1933, 48 Stat. 139 (16 U.S.C. 447), and to all valid existing rights, the following-described tract

of land in Nevada is hereby added to and reserved as a part of the Death Valley National Monument, as a detached unit thereof:
"Mount Diablo Meridian, Nevada T. 17 S., R. 50 E., sec. 36, SW 1/4 SE 1/4.
"Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this addition to the said monument and not to locate or settle on any of the lands thereof."

[Footnote 2] Title 28 U.S.C. 1345 provides as follows:

"Except as otherwise provided by Act of Congress, the district courts shall have original jurisdiction of all civil actions, suits or proceedings commenced by the United States, or by any agency or officer thereof expressly authorized to sue by Act of Congress."

[Footnote 3] On appeal from the preliminary injunction, the Court of Appeals, in response to a motion from the Cappaerts to modify the injunction to permit them to pump to 3.7 feet below the copper marker, had permitted the Cappaerts to pump so long as the water level did not drop more than 3.3 feet below the marker. 483 F.2d 432 (1973).

[Footnote 4] Nevada is asking, in effect, that the Court overrule Arizona v. California, 373 U.S. 546 (1963), and United States v. District Court for Eagle County, 401 U.S. 520 (1971), to the extent that they hold that the implied-reservation doctrine applies to all federal enclaves since in so holding those cases did not balance the "competing equities." Brief for Nevada 15. However, since balancing the equities is not the test, those cases need not be disturbed.

[Footnote 5] The District Court and the Court of Appeals correctly held that neither the Cappaerts nor their predecessors in interest had acquired any water rights as of 1952 when the United States' water rights vested. Part of the land now comprising the Cappaerts' ranch was patented by the United States to the Cappaerts' predecessors as early as 1890. None of the patents conveyed water rights because the Desert Land Act of 1877, 19 Stat. 377, 43 U.S.C. 321, provided that such patents pass title only to land, not water. Patentees acquire water rights by "bona fide prior appropriation," as determined by state law. California Oregon Power Co. v. Beaver Portland Cement Co., 295 U.S. 142 (1935). Under Nevada law water [426 U.S. 128, 140] rights can be created only by appropriation for beneficial use. Nev. Rev. Stat. 533.030, 534.020, 533.325 (1973). Jones v. Adams, 19 Nev. 78, 6 P. 442 (1885). Under the doctrine of prior appropriation, the first to divert and use water beneficially establishes a right to its continued use as long as the water is beneficially diverted. See Colorado River Water Cons. Dist. v. United States, 424 U.S. 800, 805 (1976). See also J. Sax, Water Law, Planning & Policy - Cases and Materials, 218-224 (1968). Neither the Cappaerts nor their predecessors in interest appropriated any water until after 1952.

Some Cappaert wells are on land acquired from the United States in 1969 through a land exchange under 8 of the Taylor Grazing Act of 1934, 48 Stat. 1272, as amended, 43 U.S.C. 315g (b). In this exchange the Cappaerts received land within one mile of Devil's Hole under a patent granting them "all rights, privileges, immunities and appurtenances . . . subject to any vested and accrued water rights for mining, agriculture, manufacturing or other purposes. . . ." (Emphasis supplied.) The federal water rights in Devil's Hole had vested 17 years before that exchange.

[Footnote 6] The 1952 Proclamation forbids unauthorized persons to "appropriate, injure, destroy, or remove any feature" from the reservation. Since water is a "feature" of the reservation, the Cappaerts, by their pumping, are "appropriating" or "removing" this feature in violation of the Proclamation.

[Footnote 7] Petitioners in both cases argue that the effect of applying the implied-reservation doctrine to diversions of groundwater is to prohibit pumping from the entire 4,500 square miles above the aquifer that supplies water to Devil's Hole. First, it must be emphasized that the injunction limits but does not prohibit pumping. Second, the findings of fact in this case relate only to wells within 2 1/2 miles of Devil's Hole. No proof was introduced in the District Court that pumping from the same aquifer that supplies Devil's Hole, but at a greater distance from Devil's Hole, would significantly lower the level in Devil's Hole. Nevada notes that such pumping "will in time affect the water level in Devil's Hole." Brief for Nevada 25. There was testimony from a research hydrologist that substantial pumping 40 miles away "[o]ver a period of perhaps decades [would have] a small effect." App. 79.

[Footnote 8] The predecessors of the Desert Land Act of 1877 are the Act of July 26, 1866, c. 262, 14 Stat. 251, and the Act of July 9, 1870, 16 Stat. 217. Those Acts provided that water rights vested under state law or custom are protected. However, the Cappaerts did not have any vested water rights in 1952. See n. 5, supra.

[Footnote 9] The cases relied upon by the Cappaerts are not to the contrary. E. g., United States v. Gerlach Live Stock Co., 339 U.S. 725 (1950); Ickes v. Fox, 300 U.S. 82 (1937); Dority v. New Mexico ex rel. Bliss, 341 U.S. 924 (1951). None involve a federal reservation and all involve a determination whether water rights had vested under state law. Here a federal reservation is involved and neither the Cappaerts nor their predecessors in interest had any vested water rights in 1952 when the United States' water rights vested.

Nebraska v. Wyoming, 325 U.S. 589 (1945), also relied upon by the Cappaerts, involved a federal reservation pursuant to the Reclamation Act of June 17, 1902 32 Stat. 388, which directs the Secretary of the Interior to "proceed in conformity with [state] laws" and which provides that "the right to the use of water acquired under the provisions of this Act shall be appurtenant to the land irrigated, and beneficial use shall be the basis, the measure, and the limit of the right." In Nebraska v. Wyoming, the Court noted that the United States had acted in conformity with state law. The Court said: "We intimate no opinion whether a different procedure might have been followed so as to appropriate and reserve to the United States all of these water rights. No such attempt was made." 325 U.S., at 615 . Here the United States acquired reserved water rights through a reservation authorized, not by the Reclamation Act, but by the Antiquities Act.

[Footnote 10] Nevada argues that the discussion of the implied-reservation doctrine in FPC v. Oregon was dictum as that case involved the supremacy of the Federal Power Act, 49 Stat. 863, 16 U.S.C. 791a-825r (1952 ed., Supp. II) over state law. To the extent that the Federal Power Act authorized reservation of unappropriated water for the electrical needs of the federal project, so too did the Antiquities Act authorize implicit reservation of unappropriated water for the purposes of the Devil's Hole reservation.

[Footnote 11] See n.2, supra.

[Footnote 12] The cases petitioners in both cases rely upon involve parties who collaterally attacked an administrative determination. Here the United States was never a party.

[Footnote 13] The United States requested either that the permits be denied or decision postponed until the studies were completed. While the State Engineer did not postpone decision on the permit application, the Cappaerts' attorney said that the studies "will go forward whether or not the applications are granted; so let's not make the mistake of thinking that if these applications are granted the studies are moot, they are not." App. 307. [426 U.S. 128, 148]

Mining in the Parks Act, September 28, 1976 (Public Law 94-429, Sec. 2371), to provide for the regulation of mining activity within, and to repeal the application of mining laws to, areas of the national park system

Public Law 94–429
94th Congress

An Act

Sept. 28, 1976
[S. 2371]

To provide for the regulation of mining activity within, and to repeal the application of mining laws to, areas of the National Park System, and for other purposes.

National Park System. Mining activity, regulation. 16 USC 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds and declares that—

(a) the level of technology of mineral exploration and development has changed radically in recent years and continued application of the mining laws of the United States to those areas of the National Park System to which it applies, conflicts with the purposes for which they were established; and

(b) all mining operations in areas of the National Park System should be conducted so as to prevent or minimize damage to the environment and other resource values, and, in certain areas of the National Park System, surface disturbance from mineral development should be temporarily halted while Congress determines whether or not to acquire any valid mineral rights which may exist in such areas.

16 USC 1902.

Sec. 2. In order to preserve for the benefit of present and future generations the pristine beauty of areas of the National Park System, and to further the purposes of the Act of August 25, 1916, as amended (16 U.S.C. 1) and the individual organic Acts for the various areas of the National Park System, all activities resulting from the exercise of valid existing mineral rights on patented or unpatented mining claims within any area of the National Park System shall be subject to such regulations prescribed by the Secretary of the Interior as he deems necessary or desirable for the preservation and management of those areas.

Sec. 3. Subject to valid existing rights, the following Acts are amended or repealed as indicated in order to close these areas to entry and location under the Mining Law of 1872:

(a) the first proviso of section 3 of the Act of May 22, 1902 (32 Stat. 203; 16 U.S.C. 123), relating to Crater Lake National Park, is amended by deleting the words "and to the location of mining claims and the working of same";

Repeals.

(b) section 4 of the Act of February 26, 1917 (39 Stat. 938; 16 U.S.C. 350), relating to Mount McKinley National Park, is hereby repealed;

(c) section 2 of the Act of January 26, 1931 (46 Stat. 1043; 16 U.S.C. 350a), relating to Mount McKinley National Park, is hereby repealed;

(d) the Act of June 13, 1933 (48 Stat. 139; 16 U.S.C. 447), relating to Death Valley National Monument, is hereby repealed;

(e) the Act of June 22, 1936 (49 Stat. 1817), relating to Glacier Bay National Monument, is hereby repealed;

(f) section 3 of the Act of August 18, 1941 (55 Stat. 631; 16 U.S.C. 450y–2), relating to Coronado National Memorial is amended by replacing the semicolon in subsection (a) with a period and deleting the prefix "(a)", the word "and" immediately preceding subsection (b), and by repealing subsection (b); and

(g) The Act of October 27, 1941 (55 Stat. 745; 16 U.S.C. 450z), relating to Organ Pipe Cactus National Monument, is hereby repealed. Repeal.

Certain mining operations, temporary cessation. 16 USC 1903.

SEC. 4. For a period of four years after the date of enactment of this Act, holders of valid mineral rights located within the boundaries of Death Valley National Monument, Mount McKinley National Park, and Organ Pipe Cactus National Monument shall not disturb for purposes of mineral exploration or development the surface of any lands which had not been significantly disturbed for purposes of mineral extraction prior to February 29, 1976: *Provided*, That if the Secretary finds that enlargement of the existing excavation of an individual mining operation is necessary in order to make feasible continued production therefrom at an annual rate not to exceed the average annual production level of said operation for the three calendar years 1973, 1974, and 1975, the surface of lands contiguous to the existing excavation may be disturbed to the minimum extent necessary to effect such enlargement, subject to such regulations as may be issued by the Secretary under section 2 of this Act. For purposes of this section, each separate mining excavation shall be treated as an individual mining operation.

16 USC 1904.

SEC. 5. The requirements for annual expenditures on mining claims imposed by Revised Statute 2324 (30 U.S.C. 28) shall not apply to any claim subject to section 4 of this Act during the time such claim is subject to such section.

Certain unpatented mining claims, recommendations for acquisition. 16 USC 1905.

SEC. 6. Within two years after the date of enactment of this Act, the Secretary of the Interior shall determine the validity of any unpatented mining claims within Glacier Bay National Monument, Death Valley and Organ Pipe Cactus National Monuments and Mount McKinley National Park and submit to the Congress recommendations as to whether any valid or patented claims should be acquired by the United States, including the estimated acquisition costs of such claims, and a discussion of the environmental consequences of the extraction of minerals from these lands. The Secretary shall also study and within two years submit to Congress his recommendations for modifications or adjustments to the existing boundaries of the Death Valley National Monument and the Glacier Bay National Monument to exclude significant mineral deposits and to decrease possible acquisition costs.

Study. Recommendations, submittal to Congress.

Recommendations, submittal to Congress. 16 USC 1906.

SEC. 7. Within four years after the date of enactment of this Act, the Secretary of the Interior shall determine the validity of any unpatented mining claims within Crater Lake National Park, Coronado National Memorial, and Glacier Bay National Monument, and submit to the Congress recommendations as to whether any valid or patented claims should be acquired by the United States.

Mining claims, recordation. 16 USC 1907.

SEC. 8. All mining claims under the Mining Law of 1872, as amended and supplemented (30 U.S.C. chapters 2, 12A, and 16 and sections 161 and 162) which lie within the boundaries of units of the National Park System shall be recorded with the Secretary of the Interior within one year after the effective date of this Act. Any mining claim not so recorded shall be conclusively presumed to be abandoned and shall be void. Such recordation will not render valid any claim which was not valid on the effective date of this Act, or which becomes invalid thereafter. Within thirty days following the date of enactment of this Act, the Secretary shall publish notice of the requirement for such recordation in the Federal Register. He shall also publish similar notices in newspapers of general circulation in the areas adjacent to those units of the National Park System listed in section 3 of this Act.

Publication in Federal Register.

Landmarks. Report to Advisory Council on Historic Preservation. 16 USC 1908.

SEC. 9. (a) Whenever the Secretary of the Interior finds on his own motion or upon being notified in writing by an appropriate scientific,

historical, or archeological authority, that a district, site, building, structure, or object which has been found to be nationally significant in illustrating natural history or the history of the United States and which has been designated as a natural or historical landmark may be irreparably lost or destroyed in whole or in part by any surface mining activity, including exploration for or removal or production of minerals or materials, he shall notify the person conducting such activity and submit a report thereon, including the basis for his finding that such activity may cause irreparable loss or destruction of a national landmark, to the Advisory Council on Historic Preservation, with a request for advice of the Council as to alternative measures that may be taken by the United States to mitigate or abate such activity.

Report to Congress. Legislative recommendations.

(b) The Council shall within two years from the effective date of this section submit to the Congress a report on the actual or potential effects of surface mining activities on natural and historical landmarks and shall include with its report its recommendations for such legislation as may be necessary and appropriate to protect natural and historical landmarks from activities, including surface mining activities, which may have an adverse impact on such landmarks.

Severability. 16 USC 1909.

SEC. 10. If any provision of this Act is declared to be invalid, such declaration shall not affect the validity of any other provision hereof.

Civil actions. 16 USC 1910.

SEC. 11. The holder of any patented or unpatented mining claim subject to this Act who believes he has suffered a loss by operation of this Act, or by orders or regulations issued pursuant thereto, may bring an action in a United States district court to recover just compensation, which shall be awarded if the court finds that such loss constitutes a taking of property compensable under the Constitution. The court shall expedite its consideration of any claim brought pursuant to this section.

16 USC 1911.

SEC. 12. Nothing in this Act shall be construed to limit the authority of the Secretary to acquire lands and interests in lands within the boundaries of any unit of the National Park System. The Secretary is to give prompt and careful consideration to any offer made by the owner of any valid right or other property within the areas named in section 6 of this Act to sell such right or other property, if such owner notifies the Secretary that the continued ownership of such right or property is causing, or would result in, undue hardship.

California Desert Protection Act, October 31, 1994 (Public Law 103-433, Sec. 21), establishment of Death Valley National Park and designation of Death Valley Wilderness

APPENDIX A: ENABLING LEGISLATION
CALIFORNIA DESERT PROTECTION ACT
(SECTIONS RELEVANT TO DEATH VALLEY NATIONAL PARK)

Public Law 103-433
108 STAT. 4471
103d Congress
October 31, 1994

An Act

To designate certain lands in the California Desert as wilderness, to establish the Death Valley and Joshua Tree National Parks, to establish the Mojave National Preserve, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

1.1.1 SECTION 1. SHORT TITLE.

Sections 1 and 2, and titles I through IX of this Act may be cited as the `California Desert Protection Act of 1994'.

1.1.2 SEC. 2. FINDINGS AND POLICY.

(a) The Congress finds and declares that--

(1) the federally owned desert lands of southern California constitute a public wildland resource of extraordinary and inestimable value for this and future generations;

(2) these desert wildlands display unique scenic, historical, archeological, environmental, ecological, wildlife, cultural, scientific, educational, and recreational values used and enjoyed by millions of Americans for hiking and camping, scientific study and scenic appreciation;

(3) the public land resources of the California desert now face and are increasingly threatened by adverse pressures which would impair, dilute, and destroy their public and natural values;

(4) the California desert, embracing wilderness lands, units of the National Park System, other Federal lands, State parks and other State lands, and private lands, constitutes a cohesive unit posing unique and difficult resource protection and management challenges;

(5) through designation of national monuments by Presidential proclamation, through enactment of general public land statutes (including section 601 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2743, 43 U.S.C. 1701 et seq.) and through interim administrative actions, the Federal Government has begun the process of appropriately providing for protection of the significant resources of the public lands in the California desert; and

(6) statutory land unit designations are needed to afford the full protection which the resources and public land values of the California desert merit.

(b) In order to secure for the American people of this and future generations an enduring heritage of wilderness, national parks, and public land values in the California desert, it is hereby declared to be the policy of the Congress that--

(1) appropriate public lands in the California desert shall be included within the National Park System and the National Wilderness Preservation System, in order to--

(A) preserve unrivaled scenic, geologic, and wildlife values associated with these unique natural landscapes;

(B) perpetuate in their natural state significant and diverse ecosystems of the California desert;
(C) protect and preserve historical and cultural values of the California desert associated with ancient Indian cultures, patterns of western exploration and settlement, and sites exemplifying the mining, ranching and railroading history of the Old West;
(D) provide opportunities for compatible outdoor public recreation, protect and interpret ecological and geological features and historic, paleontological, and archeological sites, maintain wilderness resource values, and promote public understanding and appreciation of the California desert; and
(E) retain and enhance opportunities for scientific research in undisturbed ecosystems.

1.1.2.1 TITLE III--DEATH VALLEY NATIONAL PARK

1.1.3 SEC. 301. FINDINGS.

The Congress hereby finds that--

(1) proclamations by Presidents Herbert Hoover in 1933 and Franklin Roosevelt in 1937 established and expanded the Death Valley National Monument for the preservation of the unusual features of scenic, scientific, and educational interest therein contained;
(2) Death Valley National Monument is today recognized as a major unit of the National Park System, having extraordinary values enjoyed by millions of visitors;
(3) the monument boundaries established in the 1930's exclude and thereby expose to incompatible development and inconsistent management, contiguous Federal lands of essential and superlative natural, ecological, geological, archeological, paleontological, cultural, historical ad wilderness values;
(4) Death Valley National Monument should be substantially enlarged by the addition of all contiguous Federal lands of national park caliber and afforded full recognition and statutory protection as a National Park; and
(5) the wilderness within Death Valley should receive maximum statutory protection by designation pursuant to the Wilderness Act.

1.1.4 SEC. 302. ESTABLISHMENT OF DEATH VALLEY NATIONAL PARK.

There is hereby established the Death Valley National Park (hereinafter in this title referred to as the `park') as generally depicted on twenty-three maps entitled `Death Valley National Park Boundary and Wilderness--Proposed', numbered in the title one through twenty-three, and dated July 1993 or prior, which shall be on file and available for public inspection in the offices of the Superintendent of the park and the Director of the National Park Service, Department of the Interior. The Death Valley National Monument is hereby abolished as such, the lands and interests therein are hereby incorporated within and made part of the new Death Valley National Park, and any funds available for purposes of the monument shall be available for purposes of the park.

1.1.5 SEC. 303. TRANSFER AND ADMINISTRATION OF LANDS.

Upon enactment of this title, the Secretary shall transfer the lands under the jurisdiction of the Bureau of Land Management depicted in the maps described in section 302 of this title, without consideration, to the administrative jurisdiction of the National Park Service for administration as part of the National Park System, and the boundary of the park shall be adjusted accordingly. The Secretary shall administer the areas added to the park by this title in accordance with the provisions of law generally applicable to units of the National Park System, including the Act entitled `An Act to establish a National Park Service, and for other purposes', approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4).

1.1.6 SEC. 304. MAPS AND LEGAL DESCRIPTION.

Within six months after the enactment of this title, the Secretary shall file maps and a legal description of the park designated under this title with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives. Such maps and legal description shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in such legal description and in the maps referred to in section 302. The maps and legal description shall be on file and available for public inspection in the offices of the Superintendent of the park and the Director of the National Park Service, Department of the Interior.

1.1.7 SEC. 305. WITHDRAWAL.

Subject to valid existing rights, all Federal lands within the park are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; from location, entry, and patent under the United States mining laws; and from disposition under all laws pertaining to mineral and geothermal leasing, and mineral materials, and all amendments thereto.

1.1.8 SEC. 306. GRAZING.

(a) IN GENERAL- The privilege of grazing domestic livestock on lands within the park shall continue to be exercised at no more than the current level, subject to applicable laws and National Park Service regulations.
(b) SALE OF PROPERTY- If a person holding a grazing permit referred to in subsection (a) informs the Secretary that such permittee is willing to convey to the United States any base property with respect to which such permit was issued and to which such permittee holds title, the Secretary shall make the acquisition of such base property a priority as compared with the acquisition of other lands within the park, provided agreement can be reached concerning the terms and conditions of such acquisition. Any such base property which is located outside the park and acquired as a priority pursuant to this section shall be managed by the Federal agency responsible for the majority of the adjacent lands in accordance with the laws applicable to such adjacent lands.

1.1.9 SEC. 307. DEATH VALLEY NATIONAL PARK ADVISORY COMMISSION.

(a) The Secretary shall establish an Advisory Commission of no more than fifteen members, to advise the Secretary concerning the development and implementation of a new or revised comprehensive management plan for Death Valley National Park.
(b)(1) The advisory commission shall include an elected official for each County within which any part of the park is located, a representative of the owners of private properties located within or immediately adjacent to the park, and other members representing persons actively engaged in grazing and range management, mineral exploration and development, and persons with expertise in relevant fields, including geology, biology, ecology, law enforcement, and the protection and management of National Park resources and values.
(2) Vacancies in the advisory commission shall be filled by the Secretary so as to maintain the full diversity of views required to be represented on the advisory commission.
(c) The Federal Advisory Committee Act shall apply to the procedures and activities of the advisory commission.
(d) The advisory commission shall cease to exist ten years after the date of its establishment.

1.1.10 SEC. 308. BOUNDARY ADJUSTMENT.

In preparing the maps and legal descriptions required by sections 304 and 602 of this Act, the Secretary shall adjust the boundaries of the Death Valley National Park and Death Valley National Park Wilderness so as to exclude from such National Park and Wilderness the lands generally depicted on the map entitled `Porter Mine (Panamint Range) Exclusion Area' dated June 1994.

1.1.10.1 TITLE VI--NATIONAL PARK SYSTEM WILDERNESS

1.1.11 SEC. 601. DESIGNATION OF WILDERNESS.

(a) In furtherance of the purposes of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1311 et seq.), the following lands within the units of the National Park System designated by this Act are hereby designated as wilderness, and therefore, as components of the National Wilderness Preservation System:

(1) Death Valley National Park Wilderness, comprising approximately three million one hundred fifty-eight thousand thirty-eight acres, as generally depicted on twenty-three maps entitled `Death Valley National Park Boundary and Wilderness', numbered in the title one through twenty-three, and dated October 1993 or prior, and three maps entitled `Death Valley National Park Wilderness', numbered in the title one through three, and dated July 1993 or prior, and which shall be known as the Death Valley Wilderness.

(2) Joshua Tree National Park Wilderness Additions, comprising approximately one hundred thirty-one thousand seven hundred and eighty acres, as generally depicted on four maps entitled `Joshua Tree National Park Boundary and Wilderness--Proposed', numbered in the title one through four, and dated October 1991 or prior, and which are hereby incorporated in, and which shall be deemed to be a part of the Joshua Tree Wilderness as designated by Public Law 94-567.

(3) Mojave National Preserve Wilderness, comprising approximately six hundred ninety-five thousand two hundred acres, as generally depicted on ten maps entitled `Mojave National Park Boundary and Wilderness--Proposed', and numbered in the title one through ten, and dated March 1994 or prior, and seven maps entitled `Mojave National Park Wilderness--Proposed', numbered in the title one through seven, and dated March 1994 or prior, and which shall be known as the Mojave Wilderness.

(b) POTENTIAL WILDERNESS- Upon cessation of all uses prohibited by the Wilderness Act and publication by the Secretary in the Federal Register of notice of such cessation, potential wilderness, comprising approximately six thousand eight hundred and forty acres, as described in `1988 Death Valley National Monument Draft General Management Plan Draft Environmental Impact Statement' (hereafter in this title referred to as `Draft Plan') and as generally depicted on map in the Draft Plan entitled `Wilderness Plan Death Valley National Monument', dated January 1988, and which shall be deemed to be a part of the Death Valley Wilderness as designated in paragraph (a)(1). Lands identified in the Draft Plan as potential wilderness shall be managed by the Secretary insofar as practicable as wilderness until such time as said lands are designated as wilderness.

1.1.12 SEC. 602. FILING OF MAPS AND DESCRIPTIONS.

Maps and a legal description of the boundaries of the areas designated in section 601 of this title shall be on file and available for public inspection in the appropriate offices of the National Park Service, Department of the Interior. As soon as practicable after the date of enactment of this title, maps and legal descriptions of the wilderness areas shall be filed with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives, and such maps and legal descriptions shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in such maps and legal descriptions.

1.1.13 SEC. 603. ADMINISTRATION OF WILDERNESS AREAS.

The areas designated by section 601 of this title as wilderness shall be administered by the Secretary in accordance with the applicable provisions of the Wilderness Act governing areas designated by that title as wilderness, except that any reference in such provision to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this title, and where appropriate, and reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

1.1.13.1 TITLE VII--MISCELLANEOUS PROVISIONS

1.1.14 SEC. 701. TRANSFER OF LANDS TO RED ROCK CANYON STATE PARK.

Upon enactment of this title, the Secretary shall transfer to the State of California certain lands within the California Desert Conservation Area, California, of the Bureau of Land Management, comprising approximately twenty thousand five hundred acres, as generally depicted on two maps entitled `Red Rock Canyon State Park Additions 1' and `Red Rock Canyon State Park Additions 2', dated May 1991, for inclusion in the State of California Park System. Should the State of California cease to manage these lands as part of the State Park System, ownership of the lands shall revert to the Department of the Interior to be managed as part of California Desert Conservation Area to provide maximum protection for the area's scenic and scientific values.

1.1.15 SEC. 702. LAND TENURE ADJUSTMENTS.

In preparing land tenure adjustment decisions with the California Desert Conservation Area, of the Bureau of Land Management, the Secretary shall give priority to consolidating Federal ownership within the national park units and wilderness areas designated by this Act.

1.1.16 SEC. 703. LAND DISPOSAL.

Except as provided in section 406 of this Act, none of the lands within the boundaries of the wilderness or park areas designated under this Act shall be granted to or otherwise made available for use by the Metropolitan Water District or any other agencies or persons pursuant to the Boulder Canyon Project Act (43 U.S.C. 617-619b) or any similar Acts.

1.1.17 SEC. 704. MANAGEMENT OF NEWLY ACQUIRED LANDS.

Any lands within the boundaries of a wilderness area designated under this Act which are acquired by the Federal Government, shall become part of the wilderness area within which they are located and shall be managed in accordance with all the provisions of this Act and other laws applicable to such wilderness area.

1.1.18 SEC. 705. NATIVE AMERICAN USES AND INTERESTS.

(a) ACCESS- In recognition of the past use of the National Park System units and wilderness areas designed under this Act by Indian people for traditional cultural and religious purposes, the Secretary shall ensure access to such park system units and wilderness areas by Indian people for such traditional cultural and religious purposes. In implementing this section, the Secretary, upon the request of an Indian tribe or Indian religious community, shall temporarily close to the general public use of one or more specific portions of the park system unit or wilderness area in order to protect the privacy of traditional cultural and religious activities in such areas by Indian people. Any such closure shall be made to affect the smallest practicable area for the minimum period necessary for such purposes. Such access shall be consistent with the purpose and intent of Public Law 95-341 (42 U.S.C. 1996) commonly referred to as the `American Indian Religious Freedom Act', and with respect to areas designated as wilderness, the Wilderness Act (78 Stat. 890; 16 U.S.C. 1131).
(b) STUDY- (1) The Secretary, in consultation with the Timbisha Shoshone Tribe and relevant Federal agencies, shall conduct a study, subject to the availability of appropriations, to identify lands suitable for a reservation for the Timbisha Shoshone Tribe that are located within the Tribe's aboriginal homeland area within and outside the boundaries of the Death Valley National Monument and the Death Valley National Park, as described in title III of this Act.
(2) Not later than 1 year after the date of enactment of this title, the Secretary shall submit a report to the Committee on Energy and Natural Resources and the Committee on Indian Affairs of the United States Senate, and the Committee on Natural Resources of the United States House of Representatives on the results of the study conducted under paragraph (1).

1.1.19 SEC. 706. FEDERAL RESERVED WATER RIGHTS.

(a) Except as otherwise provided in section 204 of this Act, with respect to each wilderness area designated by this Act, Congress hereby reserves a quantity of water sufficient to fulfill the purposes of this Act. The priority date of such reserved water rights shall be the date of enactment of this Act.
(b) The Secretary and all other officers of the United States shall take all steps necessary to protect the rights reserved by this section, including the filing by the Secretary of a claim for the quantification of such rights in any present or future appropriate stream adjudication in the courts of the State of California in which the United States is or may be joined in accordance with section 208 of the Act of July 10, 1952 (66 Stat. 560, 43 U.S.C. 666), commonly referred to as the McCarran Amendment.
(c) Nothing in this Act shall be construed as a relinquishment or reduction of any water rights reserved or appropriated by the United States in the State of California on or before the date of enactment of this Act.
(d) The Federal water rights reserved by this Act are specific to the wilderness area located in the State of California designated under this Act. Nothing in this Act related to the reserved Federal water rights shall be construed as establishing a precedent with regard to any future designations, nor shall it constitute an interpretation of any other Act or any designation made thereto.

1.1.20 SEC. 707. CALIFORNIA STATE SCHOOL LANDS.

(a) NEGOTIATIONS TO EXCHANGE- Upon request of the California State Lands Commission (hereinafter in this section referred to as the `Commission'), the Secretary shall enter into negotiations for an agreement to exchange Federal lands or interests therein on the list referred to in subsection (b)(2) for California State School lands or interests therein which are located within the boundaries of one or more of the wilderness areas or park system units designated by this Act (hereinafter in this section referred to as `State School lands.'). The Secretary shall negotiate in good faith to reach a land exchange agreement consistent with the requirements of section 206 of the Federal Land Policy and Management Act of 1976.
(b) PREPARATION OF LIST- Within six months after the date of enactment of this Act, the Secretary shall send to the Commission and to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives a list of the following:

(1) State School lands or interests therein (including mineral interests) which are located within the boundaries of the wilderness areas or park system units designated by this Act.
(2) Lands within the State of California under the jurisdiction of the Secretary that the Secretary determines to be suitable for disposal for exchange, identified in the following priority--

(A) lands with mineral interests, including geothermal, which have the potential for commercial development but which are not currently under mineral lease or producing Federal mineral revenues;
(B) Federal claims in California managed by the Bureau of Reclamation that the Secretary determines are not needed for any Bureau of Reclamation project; and
(C) any public lands in California that the Secretary, pursuant to the Federal Land Policy and Management Act of 1976, has determined to be suitable for disposal through exchange.

(3) Any other Federal land, or interest therein, within the State of California, which is or becomes surplus to the needs of the Federal Government. The Secretary may exclude, in the Secretary's discretion, lands located within, or contiguous to, the exterior boundaries of lands held in trust for a federally recognized Indian tribe located in the State of California.
(4) The Secretary shall maintain such list and shall annually transmit such list to the Committee on Energy and Natural Resources of the United States Senate and the

Committee on Natural Resources of the United States House of Representatives until all of the State School lands identified in paragraph (1) have been acquired.

(c) DISPOSAL OF SURPLUS FEDERAL PROPERTY- (1) Effective upon the date of enactment of this title and until all State School lands identified in paragraph (b)(1) of this section are acquired, no Federal lands or interests therein within the State of California may be disposed of from Federal ownership unless--

(A) the Secretary is notified of the availability of such lands or interest therein;

(B) the Secretary has notified the Commission of the availability of such lands or interests therein for exchange; and

(C) the Commission has not notified the Secretary within six months that it wishes to consider entering into an exchange for such lands or interests therein.

(2) If the Commission notifies the Secretary that it wishes to consider an exchange for such lands or interests therein, the Secretary shall attempt to conclude such exchange in accordance with the provisions of this section as quickly as possible.

(3) If an agreement is reached and executed with the Commission, then upon notice to the head of the agency having administrative jurisdiction over such lands or interests therein, the Secretary shall be vested with administrative jurisdiction over such land or interests therein for the purpose of concluding such exchange.

(4) Upon the acquisition of all State School lands or upon notice by the Commission to the Secretary that it no longer has an interest in such lands or interests therein, such lands or interests shall be released to the agency that originally had jurisdiction over such lands or interests for disposal in accordance with the laws otherwise applicable to such lands or interests.

(d) NO EFFECT ON MILITARY BASE CLOSURES- The provisions of this section shall not apply to the disposal of property under title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 102 Stat. 2627; 10 U.S.C. 2687 note) or the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510; 104 Stat. 1808; 10 U.S.C. 2687 note).

1.1.21 SEC. 708. ACCESS TO PRIVATE PROPERTY.

The Secretary shall provide adequate access to nonfederally owned land or interests in land within the boundaries of the conservation units and wilderness areas designated by this Act which will provide the owner of such land or interest the reasonable use and enjoyment thereof.

1.1.22 SEC. 709. FEDERAL FACILITIES FEE EQUITY.

(a) POLICY STATEMENT- It is the intent of Congress that entrance, tourism or recreational use fees for use of Federal lands and facilities not discriminate against any State or any region of the country.

(b) FEE STUDY- The Secretary, in cooperation with other affected agencies, shall prepare and submit a report by May 1, 1996 to the Committee on Energy and Natural Resources of the United States Senate, the Committee on Natural Resources of the United States House of Representatives, and any other relevant committees, which shall--

(1) identify all Federal lands and facilities that provide recreational or tourism use; and

(2) analyze by State and region any fees charged for entrance, recreational or tourism use, if any, on Federal lands or facilities in a State or region, individually and collectively.

(c) RECOMMENDATIONS- Following completion of the report in subsection (b), the Secretary, in cooperation with other affected agencies, shall prepare and submit a report by May 1, 1997 to the Committee on Energy and Natural Resources of the United States Senate, the Committee on Natural Resources of the United States House of Representatives, and any other relevant committees, which shall contain recommendations which the Secretary deems appropriate for implementing the congressional intent outlined in subsection (a).

1.1.23 SEC. 710. LAND APPRAISAL.

Lands and interests in lands acquired pursuant to this Act shall be appraised without regard to the presence of a species listed as threatened or endangered pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

1.1.24 SEC. 711. DEFINITION.

Any reference to the term `this Act' in titles I through IX shall be deemed to be solely a reference to sections 1 and 2, and titles I through IX.

1.1.24.1 TITLE VIII--MILITARY LANDS AND OVERFLIGHTS

1.1.25 SEC. 801. SHORT TITLE AND FINDINGS.

(a) SHORT TITLE- This title may be cited as the `California Military Lands Withdrawal and Overflights Act of 1994'.
(b) FINDINGS- The Congress finds that--
(1) military aircraft testing and training activities as well as demilitarization activities in California are an important part of the national defense system of the United States, and are essential in order to secure for the American people of this and future generations an enduring and viable national defense system;
(2) the National Park System units and wilderness areas designated by this Act lie within a region critical to providing training, research, and development for the Armed Forces of the United States and its allies;
(3) there is a lack of alternative sites available for these military training, testing, and research activities;
(4) continued use of the lands and airspace in the California desert region is essential for military purposes; and
(5) continuation of these military activities, under appropriate terms and conditions, is not incompatible with the protection and proper management of the natural, environmental, cultural, and other resources and values of the Federal lands in the California desert area.

1.1.26 SEC. 802. MILITARY OVERFLIGHTS.

(a) OVERFLIGHTS- Nothing in this Act, the Wilderness Act, or other land management laws generally applicable to the new units of the National Park or Wilderness Preservation Systems (or any additions to existing units) designated by this Act, shall restrict or preclude low-level overflights of military aircraft over such units, including military overflights that can be seen or heard within such units.
(b) SPECIAL AIRSPACE- Nothing in this Act, the Wilderness Act, or other land management laws generally applicable to the new units of the National Park or Wilderness Preservation Systems (or any additions to existing units) designated by this Act, shall restrict or preclude the designation of new units of special airspace or the use or establishment of military flight training routes over such new park system or wilderness units.
(c) NO EFFECT ON OTHER LAWS- Nothing in this section shall be construed to modify, expand, or diminish any authority under other Federal law.

1.1.27 SEC. 803. WITHDRAWALS.

(a) CHINA LAKE- (1) Subject to valid existing rights and except as otherwise provided in this title, the Federal lands referred to in paragraph (2), and all other areas within the boundary of such lands as depicted on the map specified in such paragraph which may become subject to the operation of the public land laws, are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws and the mineral leasing laws).

1.1.28 SEC. 901. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the National Park Service and to the Bureau of Land Management to carry out this Act an amount not to exceed $36,000,000 over and above that provided in fiscal year 1994 for additional administrative and construction costs over the fiscal year 1995-1999 period, and $300,000,000 for all land acquisition costs. No funds in excess of these amounts may be used for construction, administration, or land acquisition authorized under this Act without a specific authorization in an Act of Congress enacted after the date of enactment of this Act.

Timbisha Shoshone Homeland Act, November 1, 2000 (Public Law 106-423, Sec. 2102), establishment of nonexclusive special use areas for the Timbisha Shoshone Tribe, subject to other federal law

Public Law 106–423
106th Congress

An Act

To provide to the Timbisha Shoshone Tribe a permanent land base within its aboriginal homeland, and for other purposes.

Nov. 1, 2000
[S. 2102]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

Timbisha Shoshone Homeland Act. California. Nevada. Historic preservation. 16 USC 410aaa note.

This Act may be cited as the "Timbisha Shoshone Homeland Act".

SEC. 2. FINDINGS.

16 USC 410aaa note.

Congress finds the following:

(1) Since time immemorial, the Timbisha Shoshone Tribe has lived in portions of California and Nevada. The Tribe's ancestral homeland includes the area that now comprises Death Valley National Park and other areas of California and Nevada now administered by the Bureau of Land Management.

(2) Since 1936, the Tribe has lived and governed the affairs of the Tribe on approximately 40 acres of land near Furnace Creek in the Park.

(3) The Tribe achieved Federal recognition in 1983 but does not have a land base within the Tribe's ancestral homeland.

(4) Since the Tribe commenced use and occupancy of the Furnace Creek area, the Tribe's membership has grown. Tribal members have a desire and need for housing, government and administrative facilities, cultural facilities, and sustainable economic development to provide decent, safe, and healthy conditions for themselves and their families.

(5) The interests of both the Tribe and the National Park Service would be enhanced by recognizing their coexistence on the same land and by establishing partnerships for compatible land uses and for the interpretation of the Tribe's history and culture for visitors to the Park.

(6) The interests of both the Tribe and the United States would be enhanced by the establishment of a land base for the Tribe and by further delineation of the rights and obligations of each with respect to the Furnace Creek area and to the Park as a whole.

SEC. 3. PURPOSES.

16 USC 410aaa note.

Consistent with the recommendations of the report required by section 705(b) of the California Desert Protection Act of 1994 (Public Law 103–433; 108 Stat. 4498), the purposes of this Act are—

(1) to provide in trust to the Tribe land on which the Tribe can live permanently and govern the Tribe's affairs in a modern community within the ancestral homeland of the Tribe outside and within the Park;

(2) to formally recognize the contributions by the Tribe to the history, culture, and ecology of the Park and surrounding area;

(3) to ensure that the resources within the Park are protected and enhanced by—

(A) cooperative activities within the Tribe's ancestral homeland; and

(B) partnerships between the Tribe and the National Park Service and partnerships involving the Bureau of Land Management;

(4) to ensure that such activities are not in derogation of the purposes and values for which the Park was established;

(5) to provide opportunities for a richer visitor experience at the Park through direct interactions between visitors and the Tribe including guided tours, interpretation, and the establishment of a tribal museum and cultural center;

(6) to provide appropriate opportunities for economically viable and ecologically sustainable visitor-related development, by the Tribe within the Park, that is not in derogation of the purposes and values for which the Park was established; and

(7) to provide trust lands for the Tribe in 4 separate parcels of land that is now managed by the Bureau of Land Management and authorize the purchase of 2 parcels now held in private ownership to be taken into trust for the Tribe.

16 USC 410aaa note.

SEC. 4. DEFINITIONS.

In this Act:

(1) PARK.—The term "Park" means Death Valley National Park, including any additions to that Park.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior or the designee of the Secretary.

(3) TRIBAL.—The term "tribal" means of or pertaining to the Tribe.

(4) TRIBE.—The term "Tribe" means the Timbisha Shoshone Tribe, a tribe of American Indians recognized by the United States pursuant to part 83 of title 25, Code of Federal Regulations (or any corresponding similar regulation or ruling).

(5) TRUST LANDS.—The term "trust lands" means those lands taken into trust pursuant to this Act.

16 USC 410aaa note.

SEC. 5. TRIBAL RIGHTS AND AUTHORITY ON THE TIMBISHA SHOSHONE HOMELAND.

(a) IN GENERAL.—Subject to valid existing rights (existing on the date of enactment of this Act), all right, title, and interest of the United States in and to the lands, including improvements and appurtenances, described in subsection (b) are declared to be held in trust by the United States for the benefit of the Tribe. All maps referred to in subsection (b) shall be on file and available for public inspection in the appropriate offices of the National Park Service and the Bureau of Land Management.

(b) PARK LANDS AND BUREAU OF LAND MANAGEMENT LANDS DESCRIBED.—

(1) IN GENERAL.—The following lands and water shall be held in trust for the Tribe pursuant to subsection (a):

(A) Furnace Creek, Death Valley National Park, California, an area of 313.99 acres for community development, residential development, historic restoration, and visitor-related economic development, depicted as Tract 37 on the map of Township 27 North, Range 1 East, of the San Bernardino Meridian, California, numbered Map #1 and dated December 2, 1999, together with 92 acre feet per annum of surface and ground water for the purposes associated with the transfer of such lands. This area shall include a 25-acre, nondevelopment zone at the north end of the area and an Adobe Restoration zone containing several historic adobe homes, which shall be managed by the Tribe as a tribal historic district.

(B) Death Valley Junction, California, an area of approximately 1,000 acres, as generally depicted on the map entitled "Death Valley Junction, California", numbered Map #2 and dated April 12, 2000, together with 15.1 acre feet per annum of ground water for the purposes associated with the transfer of such lands.

(C)(i) Centennial, California, an area of approximately 640 acres, as generally depicted on the map entitled "Centennial, California", numbered Map #3 and dated April 12, 2000, together with an amount of ground water not to exceed 10 acre feet per annum for the purposes associated with the transfer of such lands.

(ii) If the Secretary determines that there is insufficient ground water available on the lands described in clause (i) to satisfy the Tribe's right to ground water to fulfill the purposes associated with the transfer of such lands, then the Tribe and the Secretary shall, within 2 years of such determination, identify approximately 640 acres of land that are administered by the Bureau of Land Management in that portion of Inyo County, California, to the north and east of the China Lake Naval Weapons Center, to be a mutually agreed upon substitute for the lands described in clause (i). If the Secretary determines that sufficient water is available to fulfill the purposes associated with the transfer of the lands described in the preceding sentence, then the Tribe shall request that the Secretary accept such lands into trust for the benefit of the Timbisha Shoshone Tribe, and the Secretary shall accept such lands, together with an amount of water not to exceed 10 acre feet per annum, into trust for the Tribe as a substitute for the lands described in clause (i).

(D) Scotty's Junction, Nevada, an area of approximately 2,800 acres, as generally depicted on the map entitled "Scotty's Junction, Nevada", numbered Map #4 and dated April 12, 2000, together with 375.5 acre feet per annum of ground water for the purposes associated with the transfer of such lands.

(E) Lida, Nevada, Community Parcel, an area of approximately 3,000 acres, as generally depicted on the map entitled "Lida, Nevada, Community Parcel", numbered Map #5 and dated April 12, 2000, together with 14.7 acre

feet per annum of ground water for the purposes associated with the transfer of such lands.

(2) WATER RIGHTS.—The priority date of the Federal water rights described in subparagraphs (A) through (E) of paragraph (1) shall be the date of enactment of this Act, and such Federal water rights shall be junior to Federal and State water rights existing on such date of enactment. Such Federal water rights shall not be subject to relinquishment, forfeiture or abandonment.

(3) LIMITATIONS ON FURNACE CREEK AREA DEVELOPMENT.—

(A) DEVELOPMENT.—Recognizing the mutual interests and responsibilities of the Tribe and the National Park Service in and for the conservation and protection of the resources in the area described in paragraph (1), development in the area shall be limited to—

(i) for purposes of community and residential development—

(I) a maximum of 50 single-family residences; and

(II) a tribal community center with space for tribal offices, recreation facilities, a multipurpose room and kitchen, and senior and youth facilities;

(ii) for purposes of economic development—

(I) a small-to-moderate desert inn; and

(II) a tribal museum and cultural center with a gift shop; and

(iii) the infrastructure necessary to support the level of development described in clauses (i) and (ii).

(B) EXCEPTION.—Notwithstanding the provisions of subparagraph (A)(ii), the National Park Service and the Tribe are authorized to negotiate mutually agreed upon, visitor-related economic development in lieu of the development set forth in that subparagraph if such alternative development will have no greater environmental impact than the development set forth in that subparagraph.

(C) RIGHT-OF-WAY.—The Tribe shall have a right-of-way for ingress and egress on Highway 190 in California.

(4) LIMITATIONS ON IMPACT ON MINING CLAIMS.—Nothing in this Act shall be construed as terminating any valid mining claim existing on the date of enactment of this Act on the land described in paragraph (1)(E). Any person with such an existing mining claim shall have all the rights incident to mining claims, including the rights of ingress and egress on the land described in paragraph (1)(E). Any person with such an existing mining claim shall have the right to occupy and use so much of the surface of the land as is required for all purposes reasonably necessary to mine and remove the minerals from the land, including the removal of timber for mining purposes. Such a mining claim shall terminate when the claim is determined to be invalid or is abandoned.

Deadline.

(c) LEGAL DESCRIPTIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall file a legal description of the areas described in subsection (b) with the Committee on Resources of the House of Representatives and with the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate. Such legal description shall have the

ame force and effect as if the information contained in the description were included in that subsection except that the Secretary may correct clerical and typographical errors in such legal description and in the maps referred to in the legal description. The legal description shall be on file and available for public inspection in the offices of the National Park Service and the Bureau of Land Management.

(d) ADDITIONAL TRUST RESOURCES.—The Secretary may purchase from willing sellers the following parcels and appurtenant water rights, or the water rights separately, to be taken into trust for the Tribe:

(1) Indian Rancheria Site, California, an area of approximately 120 acres, as generally depicted on the map entitled "Indian Rancheria Site, California" numbered Map #6 and dated December 3, 1999.

(2) Lida Ranch, Nevada, an area of approximately 2,340 acres, as generally depicted on the map entitled "Lida Ranch" numbered Map #7 and dated April 6, 2000, or another parcel mutually agreed upon by the Secretary and the Tribe.

(e) SPECIAL USE AREAS.—

(1) IN GENERAL.—The areas described in this subsection shall be nonexclusive special use areas for the Tribe, subject to other Federal law. Members of the Tribe 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. All maps referred to in paragraph (4) shall be on file and available for public inspection in the offices of the National Park Service and Bureau of Land Management.

(2) RECOGNITION OF THE HISTORY AND CULTURE OF THE TRIBE.—In the special use areas, in recognition of the significant contributions the Tribe has made to the history, ecology, and culture of the Park and to ensure that the visitor experience in the Park will be enhanced by the increased and continued presence of the Tribe, the Secretary shall permit the Tribe's continued use of Park resources for traditional tribal purposes, practices, and activities.

(3) RESOURCE USE BY THE TRIBE.—In the special use areas, any use of Park resources by the Tribe for traditional purposes, practices, and activities shall not include the taking of wildlife and shall not be in derogation of purposes and values for which the Park was established.

(4) SPECIFIC AREAS.—The following areas are designated special use areas pursuant to paragraph (1):

(A) MESQUITE USE AREA.—The area generally depicted on the map entitled "Mesquite Use Area" numbered Map #8 and dated April 12, 2000. The Tribe may use this area for processing mesquite using traditional plant management techniques such as thinning, pruning, harvesting, removing excess sand, and removing exotic species. The National Park Service may limit and condition, but not prohibit entirely, public use of this area or parts of this area, in consultation with the Tribe. This area shall be managed in accordance with the jointly established management plan referred to in paragraph (1).

(B) BUFFER AREA.—An area of approximately 1,500 acres, as generally depicted on the map entitled "Buffer Area" numbered Map #8 and dated April 12, 2000. The National Park Service shall restrict visitor use of this area to protect the privacy of the Tribe and to provide an opportunity for the Tribe to conduct community affairs without undue disruption from the public.

(C) TIMBISHA SHOSHONE NATURAL AND CULTURAL PRESERVATION AREA.—An area that primarily consists of Park lands and also a small portion of Bureau of Land Management land in California, as generally depicted on the map entitled "Timbisha Shoshone Natural and Cultural Preservation Area" numbered Map #9 and dated April 12, 2000.

(5) ADDITIONAL PROVISIONS.—With respect to the Timbisha Shoshone Natural and Cultural Preservation Area designated in paragraph (4)(C)—

(A) the Tribe may establish and maintain a tribal resource management field office, garage, and storage area, all within the area of the existing ranger station at Wildrose (existing as of the date of enactment of this Act);

(B) the Tribe also may use traditional camps for tribal members at Wildrose and Hunter Mountain in accordance with the jointly established management plan referred to in paragraph (1);

(C) the area shall be depicted on maps of the Park and Bureau of Land Management that are provided for general visitor use;

(D) the National Park Service and the Bureau of Land Management shall accommodate access by the Tribe to and use by the Tribe of—

(i) the area (including portions described in subparagraph (E)) for traditional cultural and religious activities, in a manner consistent with the purpose and intent of Public Law 95–341 (commonly known as the "American Indian Religious Freedom Act") (42 U.S.C. 1996 et seq.); and

(ii) areas designated as wilderness (including portions described in subparagraph (E)), in a manner consistent with the purpose and intent of the Wilderness Act (16 U.S.C. 1131 et seq.); and

(E)(i) on the request of the Tribe, the National Park Service and the Bureau of Land Management shall temporarily close to the general public, 1 or more specific portions of the area in order to protect the privacy of tribal members engaging in traditional cultural and religious activities in those portions; and

(ii) any such closure shall be made in a manner that affects the smallest practicable area for the minimum period necessary for the purposes described in clause (i).

(f) ACCESS AND USE.—Members of the Tribe shall have the right to enter and use the Park without payment of any fee for admission into the Park.

(g) ADMINISTRATION.—The trust lands shall constitute the Timbisha Shoshone Reservation and shall be administered pursuant to the laws and regulations applicable to other Indian trust lands, except as otherwise provided in this Act.

SEC. 6. IMPLEMENTATION PROCESS. 16 USC 410aaa note.

(a) GOVERNMENT-TO-GOVERNMENT AGREEMENTS.—In order to fulfill the purposes of this Act and to establish cooperative partnerships for purposes of this Act, the National Park Service, the Bureau of Land Management, and the Tribe shall enter into government-to-government consultations and shall develop protocols to review planned development in the Park. The National Park Service and the Bureau of Land Management are authorized to enter into cooperative agreements with the Tribe 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 in section 5(e)(4).

(b) STANDARDS.—The National Park Service and the Tribe shall develop mutually agreed upon standards for size, impact, and design for use in planning, resource protection, and development of the Furnace Creek area and for the facilities at Wildrose. The standards shall be based on standards for recognized best practices for environmental sustainability and shall not be less restrictive than the environmental standards applied within the National Park System at any given time. Development in the area shall be conducted in a manner consistent with the standards, which shall be reviewed periodically and revised as necessary.

(c) WATER MONITORING.—The Secretary and the Tribe shall develop mutually agreed upon standards for a water monitoring system to assess the effects of water use at Scotty's Junction and at Death Valley Junction on the tribal trust lands described in subparagraphs (A), (B), and (D) of section 5(b)(1), and on the Park. Water monitoring shall be conducted in a manner that is consistent with such standards, which shall be reviewed periodically and revised as necessary.

SEC. 7. MISCELLANEOUS PROVISIONS. 16 USC 410aaa note.

(a) TRIBAL EMPLOYMENT.—In employing individuals to perform any construction, maintenance, interpretation, or other service in the Park, the Secretary shall, insofar as practicable, give first preference to qualified members of the Tribe.

(b) GAMING.—Gaming as defined and regulated by the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) shall be prohibited on trust lands within the Park.

(c) INITIAL RESERVATION.—Lands taken into trust for the Tribe pursuant to section 5, except for the Park land described in subsections (b)(1)(A) and (d)(1) of such section, shall be considered to be the Tribe's initial reservation for purposes of section 20(b)(1)(B)(ii) of the Indian Gaming Regulatory Act (25 U.S.C. 2719(b)(1)(B)(ii)).

(d) TRIBAL JURISDICTION OVER TRUST LANDS.—All trust lands that are transferred under this Act and located within California shall be exempt from section 1162 of title 18, United States Code, and section 1360 of title 28, United States Code, upon the certification by the Secretary, after consultation with the Attorney General, that the law enforcement system in place for such lands will be adequate to provide for the public safety and the public interest, except that no such certification may take effect until the expiration of the 3-year period beginning on the date of enactment of this Act. Effective date.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act such sums as may be necessary.

Approved November 1, 2000.

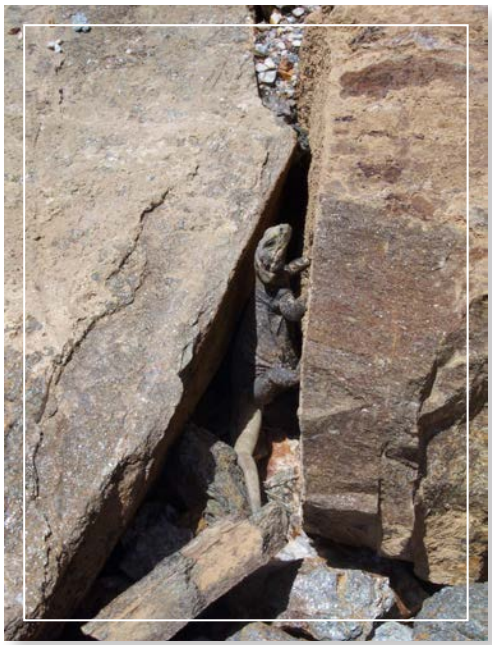
Appendix B: Analysis of Fundamental Resources and Values

Fundamental Resource or Value	Geology and Geologic Processes
Related Significance Statements	Significance statements 1 and 7.
Current Conditions and Trends	**Conditions** • Badwater Basin and the park's sand dunes are showing visitor use impacts. Additional portions of the park that are more remote are also showing visitor impacts. • Increase in education permits and geologic research permits related to the continuing geological processes that can be seen and studied throughout the park. **Trends** • The valley floor continues to sink. • Increased visitation has led to increased visitor impacts on the landscape and geologic features. • Flash flooding related to monsoonal rains appears to be occurring more often within the park. Historically, flash flooding was usually associated with El Niño weather patterns. • As acknowledgement of climate change has increased, the park has become an important destination for climate research and has fielded more scientific study requests. • The park is recording increasing average temperatures.
Threats and Opportunities	**Threats** • An increase in large storms, flooding, and erosion due to climate change threatens the park's geologic features. • Off-road vehicle incursions can negatively affect the landscape, particularly at Ibex Dunes and on playas and saltpans throughout the park. • Over-collecting of geological specimens and illegal collection of paleontological resources can lead to environmental damage and loss of important park resources. • Increasing visitation and off-trail hiking can contribute to erosion and deterioration of popular geologic features. • Cumulative impacts from fee waiver education and other groups. • Vandalism and unauthorized visitor activities can destroy fragile geologic features. **Opportunities** • Remote sensing can track geological processes and record changes in the landscape. • Additional research data and scientific study opportunities can add to the understanding of the park landscape and provide additional information about the desert region and climate change. • Partnerships with universities, nonprofits, and other environmental groups could lead to additional research, volunteer opportunities, resource monitoring, or outside funding. • Volunteers can be used to monitor geologic processes and conditions of significant sites and formations. • Additional interpretive programs and materials can be developed to highlight the park's unique geologic and paleontological resources.
Data and/or GIS Needs	• GIS layers for all types of geology—soils data, volcanic data, geothermal data, paleontological resources. • GIS layer of changed landscape post-2015 flood. • Continuously updated aerial imagery. • Accurate elevation data (LiDAR). • Climate change vulnerability assessment.

Fundamental Resource or Value	Geology and Geologic Processes
Planning Needs	• Climbing and canyoneering management plan. • Copper Canyon management and visitor use plan.
Laws, Executive Orders, and Regulations That Apply to the FRV, and NPS Policy-level Guidance	**Laws, Executive Orders, and Regulations That Apply to the FRV** • National Environmental Protection Act of 1969 • Paleontological Resources Preservation Act of 2009 • Federal Cave Resources Protection Act of 1988 • Secretarial Order 3289, "Addressing the Impacts of Climate Change on America's Water, Land, and other Natural and Cultural Resources" **NPS Policy-level Guidance (NPS *Management Policies 2006* and Director's Orders)** • NPS *Management Policies 2006* (§4.4.2.4) "Management of Natural Landscapes" • NPS *Management Policies 2006* (§4.7.2) "Weather and Climate" • NPS *Management Policies 2006* (§4.8) "Geologic Resource Management" • NPS *Natural Resource Management Reference Manual 77* • Director's Order 14: *Resource Damage Assessment and Restoration* • Director's Order 77: *Natural Resource Protection* • Director's Order 79: *Integrity of Scientific and Scholarly Activities* • Director's Policy Memorandum 12-02, "Applying National Park Service Management Policies in the Context of Climate Change"

Fundamental Resource or Value	Hydrologic Processes
Related Significance Statements	Significance statements 1 and 5.
Current Conditions and Trends	**Conditions** • The park's hydrologic landscape is constantly changing in response to rainfall, floods, drought, and other weather variables. • The State of California has declared a long-term drought and mandated 25% water reduction across the state. • Surprise Canyon, a perennial stream running through the Panamint Mountains, is a proposed wild and scenic river. • The Timbisha Shoshone Tribe and Xanterra Parks and Resorts, Inc. (Xanterra), other park inholders, and neighboring water rights holders have individual water rights. **Trends** • The groundwater table is declining. • There have been recorded increases and decreases in natural springs throughout the park. • Park water use is stable, but proposed development within inholdings could increase water use within park boundaries. • An increase in water monitoring data is helping the park to better understand the condition of its hydrological resources and potential threats.
Threats and Opportunities	**Threats** • Increased pumping outside the park for agriculture, renewable energy, or other development would reduce the amount of groundwater flowing into the park. • Radionuclides from the Nevada National Security Site are present in the aquifers that supply water to the springs in the park. If these radionuclides reach the park, they would impact water quality and could have a negative effect on aquatic species. • Livestock pollute surface water. • Marijuana grows tax the park's water supply, contaminate water sources, manipulate the ecosystem by replacing native plants with marijuana, and introduce harmful pollutants. • Climate change can drop the groundwater table and contribute to drought conditions. • Increased water needs by inholders (such as the Timbisha Shoshone Tribe and Xanterra) could lead to a water shortage in the park. • Anti-federal landownership sentiments could create an adversarial relationship between the park and nearby landowners. • Challenges to Devils Hole water rights could result in a lengthy legal battle and potentially redefine the water level required for Devils Hole pupfish. • The Furnace Creek Inn tunnel, an important piece of infrastructure related to Xanterra's water supply, is in disrepair and if it fails it would become a costly repair project for the park. • Difficulty accessing test wells on Timbisha Shoshone tribal land over time could result in less data collected and infrequent monitoring. **Opportunities** • Wild and scenic river designations for Surprise Canyon and Amargosa River would help protect water resources from future development and damming. • Education and interpretation related to reducing water usage and hydrologic processes could help visitors understand the importance of water conservation as well as Death Valley's unique hydrological features. • Cooperative management with the Timbisha Shoshone Tribe would allow the park to monitor test wells on tribal lands and develop cooperative water management strategies per the Timbisha Shoshone Homeland Act. • Research and partnerships can result in additional research and funding opportunities. • U.S. Geological Survey (USGS) models for water management can be consulted and incorporated into the park's hydrologic management strategies.

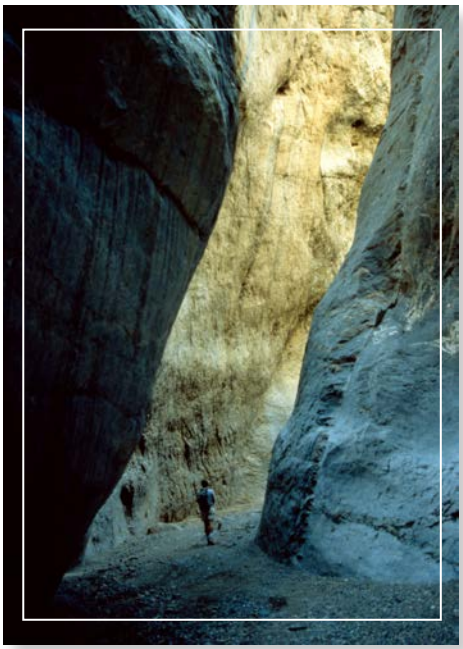
Fundamental Resource or Value	Hydrologic Processes
Data and/or GIS Needs	• Climate change vulnerability assessment. • New hydrologic models. • Springs data/GIS layer. • Increased water well monitoring. • Water rights GIS layer. • Use USGS lower carbonate aquifer model to simulate how withdrawals in wells affect water resources elsewhere. • Delineate new wetlands conditions. • Continuously updated aerial imagery. • GIS layer of changed landscape post-2015 flood (debris flows, etc.).
Planning Needs	• Texas Springs restoration plan. • Flood mitigation plan. • Water utility plan. • Springs management plan.
Laws, Executive Orders, and Regulations That Apply to the FRV, and NPS Policy-level Guidance	**Laws, Executive Orders, and Regulations That Apply to the FRV** • Wild and Scenic Rivers Act of 1968 • Clean Water Act (33 USC 1251-1387, 33 USC 1151) • Water rights adjudication and law • Executive Order 11514, "Protection and Enhancement of Environmental Quality" • Executive Order 12088, "Federal Compliance with Pollution Control Standards" • National Flood Insurance Program • Secretarial Order 3289, "Addressing the Impacts of Climate Change on America's Water, Land, and Other Natural and Cultural Resources" **NPS Policy-level Guidance (NPS *Management Policies 2006* and Director's Orders)** • NPS *Management Policies 2006* (§1.6) "Cooperative Conservation Beyond Park Boundaries" • NPS *Management Policies 2006* (§4.1) "General Management Concepts" • NPS *Management Policies 2006* (§4.6.1) "Protection of Surface Waters and Groundwaters" • NPS *Management Policies 2006* (§4.6.2) "Water Rights" • NPS *Management Policies 2006* (§4.7.2) "Weather and Climate"



Fundamental Resource or Value	Endemic Species and Biodiversity
Related Significance Statements	Significance statements 1 and 5.
Current Conditions and Trends	**Conditions** • Endemic plant and animal species are widespread throughout the park. Class I endemic animals, those which are found only within the boundaries of Death Valley National Park, include five species of pupfish, four beetle species, and numerous species of snails. Regional endemics, restricted to Death Valley and surrounding counties, include the Amargosa pupfish, Panamint kangaroo rat, Panamint alligator lizard, and two species of pocket gophers. • Class I endemic plant species found in Death Valley National Park include the shining milkvetch, napkin ring buckwheat, Panamint Mountain bedstraw, Telescope Peak bedstraw, golden carpet, Panamint monkeyflower, rock lady, Death Valley monkeyflower, Eureka Dunes evening primrose, Hanaupah Rock daisy, Eureka Valley dune grass, and holly-leaved spurge. There are approximately 30 Class II endemic plants with the majority of their range contained within the park. • During the late 1960s, increased agricultural use in the vicinity of Ash Meadows threatened to drop the water level of Devils Hole through drilling and pumping nearby large-capacity wells. A landmark Supreme Court decision (*Cappaert v. United States*) recognized the prior water rights of Devils Hole as part of a national monument and limited pumping to a level that guaranteed sufficient water for pupfish to breed naturally. • Since 1996, the Devils Hole pupfish population has experienced a continued decline, with critically low counts in 2006, 2007, and 2013. Currently, the population seems to have stabilized well below historical levels of around 100 observable pupfish. • The current status of the other four species of pupfish is unknown, as the most recent data are from reports submitted to the park in the 1990s. **Trends** • Species of primrose are on the incline. • Panamint daisy population appears to be stable. • The population of the Nevares Spring naucorid bug, a small predatory insect, is increasing, most likely due to recent habitat restoration efforts.

Fundamental Resource or Value	Endemic Species and Biodiversity
Threats and Opportunities	**Threats** • Drought disrupts ecosystems and affects species. • Water use and development could affect groundwater levels, leaving pupfish and other aquatic species at risk. • An increase in average annual temperature, extreme heat events, drought, wildfire, and large storms, all projected under climate change, may cause die-back and/or northward shift in native species ranges, increase invasive species, and significantly alter species composition in the park. • Natural communities are at risk for harmful effects of air pollution including nutrient enrichment from excess deposition of nitrogen and impacts on ozone-sensitive plants. The park's arid and semi-arid vegetation and wetlands are sensitive to the effects of nutrient enrichment, which can alter plant communities and reduce biodiversity. • Nitrogen deposition levels are above critical loads for lichen and herbaceous vegetation. Wetland vegetation types are sensitive to nutrient enrichment effects of excess nitrogen deposition, which can help invasive plant species to grow faster and out-compete native vegetation adapted to lower nitrogen conditions. Ground-level ozone sometimes reaches levels that cause injury to ozone-sensitive plants including desert holly, white sagebrush, narrow-leaf willow, Fremont cottonwood, single-leaf ash, and whitestem blazing star. • Visitor use, such as dune sandboarding, can destroy important endemic species' habitat. • Poaching and unauthorized plant and wildlife collecting can affect species' populations. • Off-road vehicle use contributes to anthropomorphic noise that disrupts wildlife and tramples vegetation. • Feral burros can displace native species and destroy springs, streams, and seeps. • Marijuana grow sites siphon water away from native species, introduce dangerous pesticides, and put natural resources at risk. • Vehicle traffic throughout the park contributes to human-animal interactions. • Respiratory disease has the potential to affect the park's desert bighorn sheep population. • Picking wildflowers can lead to soil impaction and vegetation trampling along road corridors. • Visitor use throughout the park affects endemic species habitat, introduces invasive species, and negatively impacts ecosystem health. **Opportunities** • Controlling visitation to critical habitat areas can help endemic species populations. • Bioblitz and other volunteer monitoring efforts might yield evidence of new species. • Fundraising with partners and outreach. • Partnerships can help fund research and volunteer projects. • Continue to work to identify resources sensitive to air quality in consultation with the NPS Air Resource Division and regional coordinator. • Additional study and research related to the park's endemic species would help guide management decisions. • Park staff can continue to work together to provide adequate resource protection. • Cooperative management with the Timbisha Shoshone Tribe would allow the park to refine resource management activities per the Timbisha Shoshone Homeland Act. • Fire regimes can be employed for vegetation management.

Fundamental Resource or Value	Endemic Species and Biodiversity
Data and/or GIS Needs	• Climate change vulnerability assessment. • Long-term specific studies on endemics—trends, occupancy and distribution, presence/absences, ecological studies, GIS models/layers, shifts due to climate change, databases. • Ongoing on-site and nearby air quality monitoring providing updated pollutant deposition and ozone conditions at the park, maintaining a long-term record for understanding threats from development. • Additional studies to examine pollution dose-response relationships in sensitive park resources, including surveying for ozone-sensitive plant foliar ozone injury, lichen diversity, and monitoring mercury and other toxic contaminants in park biota. The park is currently involved in an NPS Air Resources Division national project to collect dragonfly larva for mercury analyses. • Monitoring Sky Island ecosystem. • Burro data.
Planning Needs	• Resource stewardship strategy. • Burro management plan. • Pupfish management plan.
Laws, Executive Orders, and Regulations That Apply to the FRV, and NPS Policy-level Guidance	**Laws, Executive Orders, and Regulations That Apply to the FRV** • Wilderness Act of 1964 (16 USC 1131 et seq.) • Endangered Species Act of 1973, as amended (16 USC 1531 et seq.) • National Invasive Species Act (16 USC 4701) • National Environmental Policy Act of 1969 (42 USC 4321) • Federal Noxious Weed Act of 1974, as amended (7 USC 2801 et seq.) • Clean Water Act (33 USC 1251-1387, 33 USC 1151) • Clean Air Act (42 USC 7401 et seq.) gives federal land managers the responsibility for protecting air quality and related values, including visibility, plants, animals, soils, water quality, cultural resources, and public health, from adverse air pollution impacts • Paleontological Resources Preservation Act of 2009 • Executive Order 13112, "Invasive Species" • Secretarial Order 3289, "Addressing the Impacts of Climate Change on America's Water, Land, and Other Natural and Cultural Resources" **NPS Policy-level Guidance (NPS *Management Policies 2006* and Director's Orders)** • NPS *Management Policies 2006* (§4.1) "General Management Concepts" • NPS *Management Policies 2006* (§4.4.1) "General Principles for Managing Biological Resources" • NPS *Management Policies 2006* (§4.7.2) "Weather and Climate" • NPS *Natural Resource Management Reference Manual 77* • Director's Policy Memorandum 12-02, "Applying National Park Service Management Policies in the Context of Climate Change"



Fundamental Resource or Value	Land with Wilderness Character
Related Significance Statements	Significance statement 2.
Current Conditions and Trends	**Conditions** • Currently, more than 91% of the park is federally designated wilderness and 99% of the park is managed as backcountry and wilderness. • The wilderness area displays variable conditions ranging from nearly pristine to showing signs of visitor use, park development, and resource damage. • Developed road corridors make visitor access to backcountry and wilderness portions of the park easier. Roads running throughout the wilderness allow high visitation in localized areas near transportation corridors and the frontcountry portions of the park. • Mormon Peak, which is within the designated wilderness area, has a 1-acre telecommunication facilities site. This use and related telecom development is in conflict with the basics of wilderness management. • Historic cultural resources related to mining and backcountry cabins contribute to the area's wilderness character and are explicitly addressed in the park's wilderness stewardship and backcountry plan as an "other contributing resource." • Many of the boundaries and entrances of the designated wilderness area are unmarked, leading many visitors to not know that they are in a national park or wilderness area. • The last active grazing lease in the park is within designated wilderness. **Trends** • There is an increase in ORV incursions and vehicle-related impacts on wilderness areas in the park. • Increased commercial use authorizations and special use permits. • Increase in the number of nonhistoric rock piles (cairns). • Increased requests for research permits. • Social media posts about the park have increased the opportunity for some people to virtually experience wilderness areas. • Canyoneering has significantly increased. The areas are often remote and not often patrolled.

Fundamental Resource or Value	Land with Wilderness Character
Threats and Opportunities	**Threats** • Increased social trails along California State Route 190 impact vegetation and create opportunities for invasive species. • Inappropriate visitor activities in wilderness, including ORV use, fires, and unauthorized camping, can threaten the area's wilderness character. • Presence of marijuana growing areas and related illegal activity disrupts natural processes, introduces sustained human activity, threatens staff and visitor safety, and lowers water quality and ecosystem health. • Air pollution-caused haze and impacts on sensitive vegetation could negatively affect wilderness areas and overall wilderness character. • Overflights and drones contribute noise and have a negative impact on wilderness character. • Theft of cultural and natural resources is a park concern based on the remote nature of the wilderness area. • Increased filming and posting to social media limits opportunity for self-discovery. • Vandalism to rock art and other resources can destroy cultural sites. • Nonnative, invasive species impact the natural character of the ecosystem. • Feral burros are an intrusion on native species and pose a safety risk to visitors. **Opportunities** • Implementation of the wilderness stewardship and backcountry plan would help guide park management of the backcountry and designated wilderness areas. • Volunteer projects help clear out debris and maintain backcountry visitor access corridors. • Partnerships can be leveraged to increase funding for volunteers and other wilderness-related projects. • Cooperative management with the Timbisha Shoshone Tribe would allow the park to preserve and protect ethnographic resources and maintain wilderness character. • Scientific research opportunities include projects related to climate change, endemic species, and species of management concern such as bighorn sheep. • The park can work collaboratively with other agencies to host training and workshops related to wilderness and wilderness management.
Data and/or GIS Needs	• Climate change vulnerability assessment. • Create GIS layer for illegal incidents—vandalism, ORV access. • Cadastral survey (legal boundary survey) of the park. • Survey corridors for utility rights-of-way. • Collect data to run wilderness character model. • Condition assessment of backcountry cabins. • Update visitation and use data for the park.
Planning Needs	• Plan to implement a backcountry permit system. • Resource stewardship strategy. • Technology and telecommunications plan. • Wilderness character restoration plan. • Climbing and canyoneering management plan. • Visitor use management plan.

Fundamental Resource or Value	Land with Wilderness Character
Laws, Executive Orders, and Regulations That Apply to the FRV, and NPS Policy-level Guidance	**Laws, Executive Orders, and Regulations That Apply to the FRV** • Wilderness Act of 1964 (16 USC 1131 et seq.) • Endangered Species Act of 1973, as amended (16 USC 1531 et seq.) • National Invasive Species Act (16 USC 4701) • National Environmental Policy Act of 1969 (42 USC 4321) • Federal Noxious Weed Act of 1974, as amended (7 USC 2801 et seq.) • Clean Water Act (33 USC 1251-1387, 33 USC 1151) • Clean Air Act (42 USC 7401 et seq.) gives federal land managers the responsibility for protecting air quality and related values, including visibility, plants, animals, soils, water quality, cultural resources, and public health, from adverse air pollution impacts • Paleontological Resources Preservation Act of 2009 • Executive Order 13112, "Invasive Species" • Secretarial Order 3289, "Addressing the Impacts of Climate Change on America's Water, Land, and Other Natural and Cultural Resources" **NPS Policy-level Guidance (NPS *Management Policies 2006* and Director's Orders)** • NPS *Management Policies 2006* (§4.7) "Air Resource Management" • NPS *Management Policies 2006* (§4.9) "Soundscape Management" • NPS *Management Policies 2006* (§4.10) "Lightscape Management" • NPS *Management Policies 2006* (chapter 6) "Wilderness Preservation and Management" • Director's Order 41: *Wilderness Stewardship* • NPS *Reference Manual 41: Wilderness Stewardship* • NPS *Keeping It Wild in the National Park Service User Guide* • Director's Policy Memorandum 12-02, "Applying National Park Service Management Policies in the Context of Climate Change"

Fundamental Resource or Value	Opportunities to Experience Scenic Views, Dark Night Skies, and Natural Soundscapes
Related Significance Statements	Significance statement 3.
Current Conditions and Trends	**Conditions** • The International Dark-Sky Association designated the park as the third International Dark Sky Park. The designation requires the park to sustain its effort to protect night sky resources and visitor education. • Actions already undertaken by the park include improving external lighting at Furnace Creek and Stovepipe Wells areas to reduce energy consumption, sky glow, and glare. • There is an ongoing inventory of views and important visual resources in the park. • Scenic views are sometimes obscured by pollution-caused haze. Average natural visual range is reduced from about 160 miles without the effects of pollution to below 60 miles on high pollution days. • The Death Valley National Scenic Byway runs through the park along California State Route 190. **Trends** • From 2003 to 2012, visibility improved on the 20% clearest days and remained relatively unchanged on the 20% haziest days. • There appears to be increased understanding and a growing enthusiasm from the public for night sky viewing. • Drone use is increasing in the park. • Increased visitation in the park has contributed to crowding at some popular overlooks and scenic turnouts. • Increasing numbers of artists are using and interpreting the views to create art. • There has been an increase in bus tours and bicycle and motorcycle groups interested in the park's scenic resources and an increase in groups requesting night sky viewings. • There has been an increase in the number of requests by astronomy groups for special use permits.
Threats and Opportunities	**Threats** • Poorly located renewable energy projects can block views and contribute to light pollution and noise. • Air pollution-caused haze in scenic views coming from emission sources including coal-fired power plants, vehicle exhaust, urban development, fire, dust, and agriculture. At night, air pollution scatters artificial light, increasing the effects of light pollution on the night sky. • Military and commercial overflights impact the views and add disruptive noise. • Xanterra's Furnace Creek remodeling project will have an unknown impact on the night sky and acoustic environment. • There is no organized place for visitors to enjoy and for the National Park Service to interpret the night sky. This could contribute to ORV use, resource trampling, and safety issues along roadways.

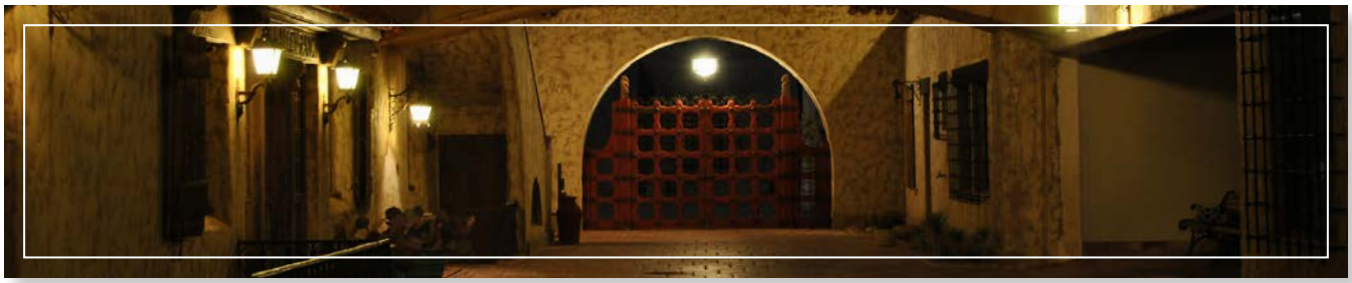
Fundamental Resource or Value	Opportunities to Experience Scenic Views, Dark Night Skies, and Natural Soundscapes
Threats and Opportunities	**Opportunities** • Working with night sky clubs to organize sky parties with interpretation would bring night sky experiences to more visitors. • Increased education about the importance of a dark night sky and air quality, and what visitors can do to protect them, helps visitors become stewards of scenic values. • The park can work with the Timbisha Shoshone Tribe to share traditional tribal night sky stories and cultural connections to the park's scenic resources. • The park can protect scenic views along historic transportation corridors by limiting additional development and taking these scenic views into consideration when considering management activities. • Interpretive exhibits and displays can include information about scenic and air resources and their value to the cultural landscape and natural resources. • The park can revive its artist-in-residency program to call attention to the park's scenic values. • Park staff can work to identify viewpoints with important scenic value and night sky viewing potential throughout the park such as Billie Mine, Boraxo Pit, and Hellsgate Mine. • Cooperative management with the Timbisha Shoshone Tribe would allow the park to preserve and protect the park's scenic resources per the Timbisha Shoshone Homeland Act.
Data and/or GIS Needs	• Continue night lumen and sky quality monitoring (follow-up monitoring from night sky designation). • Data layer related to visitor use. • Visual resource inventory.
Planning Needs	• Plan for night sky viewing area. • Visitor use management plan. • Visual resource management plan.
Laws, Executive Orders, and Regulations That Apply to the FRV, and NPS Policy-level Guidance	**Laws, Executive Orders, and Regulations That Apply to the FRV** • Clean Air Act (42 USC 7401 et seq.) gives federal land managers the responsibility for protecting air quality and related values, including visibility, plants, animals, soils, water quality, cultural resources, and public health, from adverse air pollution impacts **NPS Policy-level Guidance (NPS *Management Policies 2006* and Director's Orders)** • NPS *Management Policies 2006* (§1.4) "Park Management" • NPS *Management Policies 2006* (§1.6) "Cooperative Conservation Beyond Park Boundaries" • NPS *Management Policies 2006* (§3.1) "General" • NPS *Management Policies 2006* (§4.9) "Soundscape Management" • NPS *Management Policies 2006* (§4.10) "Lightscape Management" • NPS *Management Policies 2006* (§4.7) "Air Resource Management" • NPS *Natural Resource Management Reference Manual 77* • Director's Order 47: *Soundscape Preservation and Noise Management*

Fundamental Resource or Value	Enduring Legacy of Human Interaction with the Landscape
Related Significance Statements	Significance statements 4 and 6.
Current Conditions and Trends	**Conditions** • The park includes prehistoric and historic archeological sites, sites of cultural importance to the Timbisha Shoshone and other American Indian tribes, mining features related to the extraction of gold and borax, ghost towns developed during the mining boom of the late 19th and early 20th centuries, and tourism. • Less than 5% of the park has been subject to cultural resources inventory and archeological survey. • Historic cultural resource conditions range from being actively maintained as part of a recognized cultural landscape to neglect of historic structures located in designated wilderness. • Archeological resources are being impacted by visitors, off-road vehicles, looting, burros trailing through sites, natural processes, and development projects. • Archeological sites have been impacted by recent flood events and may be increasingly at risk due to climate change. • In many cases the condition and sometimes the location of resources are unknown, leaving the resource at risk. • The park relies on outdated survey information and has not performed condition assessments on many of the sites recorded prior to the 1960s. • Some culturally sensitive areas are protected because their locations have not been publicized; others have been publicized on the web and in written media. The park does not have a program in place to track sites that have been publicized and to monitor impacts on these sites. **Trends** • ORV use is increasing. • There has been increased visitation to areas that visitors know about such as the numerous abandoned mining towns and backcountry cabins found throughout the park. • Increased sharing of information about sites via social media and print media has led to more interest and visitation to cultural resources throughout the park. • The park has been encouraging increased visitation to remote backcountry locations that are known to or may contain sensitive cultural resources.

Fundamental Resource or Value	Enduring Legacy of Human Interaction with the Landscape
Threats and Opportunities	**Threats** • Neglect and environmental degradation compromises conditions of resources and slowly destroys historic structures and archeological sites. • The presence of marijuana grow sites and related illegal activities within the park put cultural resources at risk. • Feral burros can trample archeological sites, disrupt ruins, and damage historic structures. • Increase in illegal use of off-road vehicles in the park puts archeological sites at risk of damage. • Theft through illegal collecting and vandalism may damage historic and archeological sites. Historic mining sites are threatened by illegal metal scrapping. • Flash flooding, fires, and other natural disasters can impact important cultural landscapes or destroy cultural resources. These threats are likely to be exacerbated by climate change. • Inadequate storage conditions for collections lead to artifact deterioration and security risks. • Increased publicity on social media of little known and closed sites could contribute to negative visitor use impacts, theft, or vandalism at remote sites. **Opportunities** • The park can pursue Project Management Information System (PMIS) funding for cultural resource projects. • Cultural resource surveys throughout the park could be completed as part of a contract or through partnerships with internship programs. • Increased cooperative management with tribes to include management of all resources that are culturally important to the tribes could help safeguard traditional resources and strengthen the relationship between park staff and associated tribes. • The park can work toward establishing partnerships to develop and implement preservation activities. • Reopening the interior of the Eureka Mine and the Keane Wonder Mine area to the public would help interpret the area's mining history. Efforts to open the mine could be included as part of the annual engineering survey. • Additional research and study of the park's cultural resources would help inform management decisions and interpretation of sites. • Additional park volunteers and volunteer projects would improve site stewardship. • Increased public outreach and interpretive efforts would educate the public, increase public support for preservation, and protect resources from unintended impacts from visitors. • Partnerships with regional colleges and universities could increase the amount of archeological research being conducted within the park. • Mine buildings could be stabilized through projects funded by PMIS and NPS Vanishing Treasures program.

Fundamental Resource or Value	Enduring Legacy of Human Interaction with the Landscape
Data and/or GIS Needs	• Archeological inventories of developed and high use areas. • Archeological inventory throughout the park for planning and model development, identification of at-risk sites. • Complete GIS predictive model for cultural resources. • Put cultural resources, especially mine sites, backcountry cabins, and ruins in the Facility Management Software System database. • Develop historic themes and contexts for roads, recreation and tourism, historic utilities, ranching, nonmining use of the backcountry, ethnohistoric period American Indian occupation. • Historic roads inventory. • Cultural landscape inventories associated with historic sites. • Cultural landscape reports for historic sites planned for preservation or visitor use. • Archeological survey, archival research, and historic context for roads. • Archeological survey for California State Route 190. • Mining sites survey. • Historic cabin survey, site recordation, and assessments of national register eligibility. • Management of existing data; digitization and organization of legacy data. • Climate change vulnerability assessment.
Planning Needs	• Resource stewardship strategy. • Museum space plan. • Position management plan. • Billie Mine site plan. • Update museum collections management plan. • Stewardship plan to include coordination and mentoring volunteer stewards. • Archeological resources management plan. • Backcountry cabin management plan including contexts and themes for national register evaluations. • Update ethnographic overview of Death Valley. • Preservation plan to identify and develop treatment goals for high-priority landscapes and sites. • Traditional spring management plan in coordination with tribes (in progress). • Keane Wonder Mine site plan. • Cow Creek and Furnace Creek site plan. • Emigrant Ranger Station site plan. • Wildrose and Upper Panamint site plan. • Darwin site plan. • Grapevine site plan.

Fundamental Resource or Value	Enduring Legacy of Human Interaction with the Landscape
Laws, Executive Orders, and Regulations That Apply to the FRV, and NPS Policy-level Guidance	**Laws, Executive Orders, and Regulations That Apply to the FRV** • Antiquities Act of 1906 • Historic Sites Act of 1935 • National Historic Preservation Act of 1966, as amended (54 USC 300101 et seq.) • Archeological and Historic Preservation Act of 1974 • American Indian Religious Freedom Act of 1978 • Archaeological Resources Protection Act of 1979, as amended • Native American Graves Protection and Repatriation Act of 1990 • Museum Properties Management Act of 1955, as amended • Executive Order 11593, "Protection and Enhancement of the Cultural Environment" • Executive Order 13007, "Indian Sacred Sites" • Secretarial Order 3289, "Addressing the Impacts of Climate Change on America's Water, Land, and Other Natural and Cultural Resources" • "Curation of Federally-Owned and Administered Archaeological Collections" (36 CFR 79) • "Protection of Historic Properties" (36 CFR 800) **NPS Policy-level Guidance (NPS *Management Policies 2006* and Director's Orders)** • NPS *Management Policies 2006* (§1.6) "Cooperative Conservation Beyond Park Boundaries" • NPS *Management Policies 2006* (§4.1.4) "Partnerships" • NPS *Management Policies 2006* (chapter 5) "Cultural Resource Management" • Director's Order 24: *NPS Museum Collections Management* • Director's Order 28: *Cultural Resource Management* • Director's Order 28A: *Archeology* • Director's Policy Memorandum 12-02, "Applying National Park Service Management Policies in the Context of Climate Change" • Director's Policy Memorandum 14-02, "Climate Change and Stewardship of Cultural Resources" • NPS *Museum Handbook*, parts I, II, and III • *The Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation* • Programmatic Agreement Among the National Park Service, the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers for Compliance with Section 106 of the National Historic Preservation Act (2008)



Fundamental Resource or Value	Death Valley Scotty Historic District
Related Significance Statements	Significance statement 6.
Current Conditions and Trends	**Conditions** • On October 18, 2015, a storm caused extensive flash flooding in the Scotty's Castle area. While the castle did not sustain significant damage, the Garage/Longshed, which was being used as the Scotty's Castle Visitor Center, the Hacienda Building, which housed staff offices, the historic pool, and two of the historic tunnels were filled with mud. The grounds received significant flooding, deposition, and debris. In addition, hundreds of historic objects were washed down from Tie Canyon as far away as Mesquite Springs Campground. • Mud was removed from the Garage/Longshed, Hacienda, Cook House, tunnels and grounds as part of a massive clean-up effort. • In the wake of the flooding and rehabilitation projects, a small number of the Scotty's Castle museum collections and the archives were removed from the main house, annex, and stables collections storage. They are currently being stored in the Cow Creek museum collections storage facility until a permanent storage solution has been identified. • The historic district is closed to the public while repairs to damaged buildings, the infrastructure, and roads take place. • Multiple roads were destroyed during the flood including Bonnie Clare Road, which provides vehicle access to the site. • The flood event severed powerlines and overwhelmed the area's infrastructure. The water source, a spring, was buried. The waterline washed away. The spring house and a reservoir were destroyed. The sewage system was completely compromised. Telephone lines and electrical junction boxes were destroyed. As of August 2016, the site was still without electricity, water, and communication. The projects to restore electricity, water, and communications are ongoing. • Due to infrastructure damage, the site is currently without fire suppression; heating, ventilation, and air conditioning; and the security of staff on-site, putting buildings and museum collections at risk. • Museum collections are not documented according to NPS requirements, making research and access difficult. Some collections are not appropriately accessible to researchers. • Key control is minimal and does not meet NPS museum standards. • Lack of professional historic preservation maintenance of historic buildings and landscape has resulted in ongoing deterioration of the collection. • Museum collections are stored in spaces that do not meet minimal NPS museum standards, causing ongoing deterioration. **Trends** • Prior to the 2015 flood, the park reported a modest upswing of tours and revenue generated at Scotty's Castle. • Lack of facility maintenance and upkeep contributed to the deterioration of infrastructure, buildings, and museum collections associated with the castle and the area's visitor facilities. • Most flood recovery projects are being completed through contracted employees and teams.

Fundamental Resource or Value	Death Valley Scotty Historic District
Threats and Opportunities	**Threats** • Increased flash flooding, fire, or other natural disasters could damage historic resources and alter the associated landscape. These threats are likely to be exacerbated by climate change. • Fire could destroy irreplaceable museum collections due to lack of fire suppression. • Road closure blocks vehicle and public access to the castle and can be a safety concern for area staff. • Lack of security system, minimal key control, and lack of staff presence leaves the structures and artifacts kept on-site vulnerable to vandalism and looting. • Museum collections that are currently in substandard storage and exhibit conditions could be damaged during moves between temporary curatorial storage spaces. • Lack of accession documentation risks legal accountability problems, difficulty tracing original donors, and loss of historic information. • The site could experience a loss of financial support and public interest as the memory of the 2015 flood fades. • Loss of trained staff leaves the building and museum collections in peril. • Historic artifacts kept within Scotty's Castle and museum collection storage in the historic stables during the current rehabilitation projects are subject to theft, vandalism, lack of environmental controls, fire, water and dust/dirt damage, rodents, insects, and inadequate storage conditions. • Large tour groups have the potential to exceed the capacity of the historic structure, wander into unauthorized areas, or crowd the historic furnishings. • Retirements and relocations could result in a loss of institutional memory related to the castle's museum collection, preservation and maintenance practices, and the site's history. **Opportunities** • Museum collection storage can be improved to meet NPS museum standards for long-term preservation of museum collections, and for research access. • Replacing the electrical system in the stables removes a fire hazard. • Rehabilitation of structures damaged in the October 2015 flood allows the park to address water and flood damage as well as replace aging infrastructure. • Scotty's Castle Visitor Center improvements could help the park better use space and update visitor facilities at the site. • All nonaccessioned museum collections on-site have been identified and corralled for required processing. • The post-flood clean-up efforts and resulting rehabilitation projects offer the park a unique opportunity to show proven successes that could lead to future funding for preservation and maintenance projects. • Improved communication systems would improve staff and visitor safety. • Improved site security system and key control would help secure the buildings and museum collections associated with the site. • Improved on-site employee housing would allow park staff to live in proximity to Scotty's Castle and provide additional resource protection services. • An updated, on-site, ranger office at Scotty's Castle will allow staff to better serve visitors and the resources. • Fixing the area's out-of-compliance safety, electrical, water, and lighting systems will help address safety concerns and preserve the district's structures and museum collections. • Interpretive programs and materials could incorporate other stories related to the historic district besides the construction of Scotty's Castle and the relationship between Albert Johnson and Walter "Scotty" Scott.

Fundamental Resource or Value	Death Valley Scotty Historic District
Data and/or GIS Needs	• Engineering data. • Update cultural landscape inventory and report for Scotty's Castle. • Damage assessment for archeological sites. • Climate change vulnerability assessment. • Historic data on utilities at Scotty's Castle. • Scotty's Castle archeological data.
Planning Needs	• Scotty's Castle and Grapevine site plan. • Updated museum collections storage plan. • Scotty's Castle flood and fire plan. • Scotty's Castle museum collections plan. • Scotty's Castle exhibit plan. • Position management plan. • Long-range interpretive plan (update).
Laws, Executive Orders, and Regulations That Apply to the FRV, and NPS Policy-level Guidance	**Laws, Executive Orders, and Regulations That Apply to the FRV** • Historic Sites Act of 1935 • Act for Administration, 1970 • Archaeological Resources Protection Act of 1979, as amended • Federal Managers Financial Integrity Act of 1982 • National Historic Preservation Act of 1966, as amended (54 USC 300101 et seq.) • Museum Properties Management Act of 1955, as amended • Executive Order 11593, "Protection and Enhancement of the Cultural Environment" • Secretarial Order 3289, "Addressing the Impacts of Climate Change on America's Water, Land, and Other Natural and Cultural Resources" • "Protection of Historic Properties" (36 CFR 800) **NPS Policy-level Guidance (NPS *Management Policies 2006* and Director's Orders)** • NPS *Management Policies 2006* (chapter 5) "Cultural Resource Management" • Director's Order 24: *NPS Museum Collections Management* • Director's Order 28: *Cultural Resource Management* • Director's Policy Memorandum 12-02, "Applying National Park Service Management Policies in the Context of Climate Change" • Director's Policy Memorandum 14-02, "Climate Change and Stewardship of Cultural Resources" • Director's Policy Memorandum 15-01, "Addressing Climate Change and Natural Hazards for Facilities" • NPS *Museum Handbook*, parts I, II, and III • *The Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation* • NPS Special Directive 80-1, "Guidance for Meeting NPS Preservation and Protection Standards for Museum Collections" (revised 1990) • Programmatic Agreement Among the National Park Service, the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers for Compliance with Section 106 of the National Historic Preservation Act (2008)

Appendix C: Inventory of Administrative Commitments

The superintendent's office maintains a complete list of current agreements. The content provided here highlights some of the key administrative commitments, but it is not intended to be a complete record of all agreements. The complete list of agreements and current rights-of-way permits is available by request.

Name	Agreement Type	Start Date	Expiration Date	Stakeholders	Purpose	Notes
Devils Hole Pupfish Refugial Population Workgroup	Workgroup charter	2013		Devils Hole Pupfish Refugial Population Workgroup, U.S. Fish and Wildlife Service (USFWS), Nevada Department of Wildlife	Establish and maintain a viable population of Devils Hole pupfish at Ash Meadows Fish Conservation Facility.	
Ash Meadows National Wildlife Refuge	Interagency agreement	August 19, 1997		U.S. Fish and Wildlife Service	Cooperative relationship for Ash Meadows National Wildlife Refuge and Devils Hole unit of Death Valley National Park.	IA Agreement No. 8130-7-0077
Ash Meadows National Wildlife Refuge	Memorandum of understanding	June 20, 2014	June 19, 2019	U.S. Fish and Wildlife Service, Desert National Wildlife Refuge Complex	Law enforcement mutual aid between NPS (Death Valley National Park) and USFWS (Ash Meadows National Wildlife Refuge).	G8130-14-002
State of California Department of Transportation (CalTrans)	Memorandum of understanding	August 10, 2007	August 9, 2032	CalTrans	Regarding maintenance and law enforcement on CA-190, CalTrans workspace and residences in Cow Creek.	G8130-07-0001
Inyo County Library in Cow Creek	Memorandum of understanding	May 31, 2011		County of Inyo, CalTrans	Use of CalTrans building (201 Nevares Lane) by local branch of Inyo County Library.	
California Highway Patrol	Memorandum of understanding	March 10, 2014	March 9, 2019	CalTrans and California Highway Patrol	Investigation, management, and mitigation of critical incidents on CA-190 and CA-178.	G8130-14-001
Rogers Peak – State of California	Memorandum of understanding	June 6, 1995	June 5, 2005	State of California	Temporary easement at Rogers Peak for telecommunications tower and building.	8130-4-002 (Rev. 5/25/95)

Name	Agreement Type	Start Date	Expiration Date	Stakeholders	Purpose	Notes
Rogers Peak – Southern California Edison (SCE) photovoltaics	Memorandum of understanding	November 7, 1994	November 6, 2004	SCE	Use of 25,000 square feet for photovoltaic generator.	MOA 8130-2-002 (Rev. 10/5/94)
Cellphone Cow Creek	Memorandum of understanding	June 19, 2015	Automatically renews	Comnet of Nevada	Cell phone booster for Cow Creek housing.	G8130-15-005
Death Valley Conservancy (DVC)	Fundraising agreement	July 3, 2012	July 2, 2017	DVC	Provides legal framework for fundraising support from DVC.	G8130-12-008
Death Valley Natural History Association (DVNHA)	Cooperating association agreement	January 12, 2009	Automatically renews every five years	DVNHA	Production and sale of materials of interpretive, educational, and thematic value and for presentation of programs related to interpretive themes.	G8130 080002
Death Valley Natural History Association	Fundraising agreement	November 17, 2011	October 2015	DVNHA	Provides legal framework for fundraising support from DVNHA.	G8130-11-003
"Death Valley Explorer" videos	Memorandum of understanding	April 2, 2015	April 1, 2017, or completion of project	DVNHA, Bristlecone Media	Produce four episodes of "Death Valley Explorer," each 6–8 minutes long.	G8131-15-003
Death Valley Institute	Memorandum of understanding	September 30, 2014	September 29, 2019	DVNHA	Provide in-depth interpretive programming	G8130-14-003
Desert Managers Group – U.S. Department of the Interior (USDI) Coordinator	Interagency agreement	March 11, 2008	To be reviewed every five years	Bureau of Land Management Sacramento, Mojave National Preserve, Joshua Tree National Park, Death Valley National Park	Fund the USDI coordinator for Desert Managers Group.	F8300 80061
School and teacher housing	Memorandum of understanding	April 19, 2012	April 18, 2017	Death Valley Unified School District	School and teacher housing in Cow Creek.	G8130-12-007
Lone Pine Interagency Visitor Center	Interagency agreement	Unknown	Unknown	U.S. Forest Service	Support and staffing of Lone Pine Interagency Visitor Center.	F813110 0001

Name	Agreement Type	Start Date	Expiration Date	Stakeholders	Purpose	Notes
Wildland fire management in Nevada		2009		State of Nevada Division of Forestry, USFS, BLM, NPS, BIA, and USFWS		
California fire assistance agreement		2009	December 31, 2013	State of California, USFS, BLM, NPS, USFWS, and BIA		H8075 07003
Fire response	Cooperative agreement	August 20, 2015	August 19, 2020	Southern Inyo Fire Protection District	Provide personal services and equipment required for prevention/ suppression of vehicle, structural fires, and protection of life and property from these fires in Death Valley National Park.	G8130-15-001
Fire response	Cooperative agreement	April 30, 2013	April 29, 2018	Nye County	Provide personal services and equipment required for prevention/ suppression of vehicle, structural fires, and protection of life and property from these fires in Death Valley National Park.	G8131-13-001
Fire response	General agreement	August 22, 2012	August 21, 2017	Pahrump	Provide personal services and equipment required for prevention/ suppression of vehicle, structural fires, and protection of life and property from these fires in Death Valley National Park.	G8130-12-009
Emergency medical services advisor	Memorandum of understanding	January 19, 2012	January 18, 2017	Dr. Mitzi Dillon, Dr. Vicki Mazzorana and Associates	Approve emergency medical services protocols.	

Name	Agreement Type	Start Date	Expiration Date	Stakeholders	Purpose	Notes
Law enforcement – Furnace Creek Resort	Memorandum of understanding	February 16, 2012	February 15, 2017	Xanterra	NPS will provide law enforcement support to Xanterra when county or California Highway Patrol not available.	8130-12-001
Federal Interagency Communications Center (FICC)	Interagency master agreement	2012		NPS, USFS, BLM, and BIA	FICC dispatch in San Bernardino.	Do not have copy of master agreement
Timbisha Tribe – water and auto	Memorandum of understanding			Indian Health Service and Death Valley Timbisha Shoshone Tribe	NPS will supply water, assist with repairs to tribal community water system, and stipulates provisions for supplying petroleum products, preventative auto maintenance, and repairs for tribal vehicles.	No signed or dated copy
Backcountry road repairs	Memorandum of understanding	1995	Expired	Gear Grinders	Expired, some work done toward renewing.	8130-5-0003
Twenty Mule Team Canyon and Gower Gulch	Memorandum of understanding	September 11, 2015	September 10, 2020	U.S. Borax	Law enforcement, search and rescue, emergency medical services response, and road grading.	8131-15-004
Great Basin National Park museum curation	Memorandum of understanding	February 2, 2008	February 1, 2013	Great Basin National Park		
Night sky events	Memorandum of understanding	August 19, 2013	August 18, 2018	Las Vegas Astronomical Society	Work collaboratively to present at least two night sky events annually.	G8131-13-0010
Repairs to park airstrips	Memorandum of understanding	February 6, 2012	February 5, 2017	Recreational Aviation Foundation	"Chicken Strip" in Saline Valley.	G8130-12-003
Saline Valley Environmental Impact Statement (EIS)	Memorandum of understanding	April 18, 2013	Until record of decision signed on EIS	BLM, Timbisha Shoshone Tribe, Inyo County	National Environmental Policy Act process for Saline Valley EIS.	
Saline Valley	Memorandum of understanding	February 15, 2001	February 14, 2006	Saline Preservation Association		

Appendix D: Basics for Wilderness Stewardship

This language is excerpted from "Appendix E: Wilderness Character Narrative of the Death Valley National Park Wilderness and Backcountry Stewardship Plan and Environmental Assessment" (August 2012).

Wilderness Background Information

The 1994 California Desert Protection Act (Public Law 103-433) enlarged the park to its present size and designated over 91% of the park as the "Death Valley National Park Wilderness" totaling 3,102,456 acres. Another 220,000 acres of the park are undeveloped backcountry lands and a network of over 1,000 miles of pre-existing backcountry dirt road corridors that serve as both a visitor experience in themselves and as access to the expansive wilderness and backcountry.

Death Valley National Park includes these universal and intrinsic qualities of wilderness character: naturalness, solitude or primitive and unconfined recreation, undeveloped, and untrammeled. In addition, it includes discrete features of the landscape that represent these wilderness values: ecological, geological, scientific, educational, scenic, and historical. Plus, it includes the intangible aspects of wilderness character, most notably the historic and continuing relationship of the Timbisha Shoshone people to their ancestral homeland.

Wilderness Character Narrative

Natural Quality of Wilderness Character

Death Valley National Park is a vast landscape of environmental extremes. Badwater Basin in the Death Valley trough is 282 feet below sea level, making it the lowest point in North America and one of the hottest places on Earth. From the floor of the salt pan, the land slopes steeply and dramatically to the often snow covered Panamint Mountains, punctuated by Telescope Peak which rises to 11,049 feet above sea level. Diverse sand dunes, salty creeks, alluvial fans, ancient shorelines, playas, water-fluted canyons, craters, and varied mountain ranges provide an extensive variety of habitats.

This harsh and varied desert environment provides habitat for an amazing array of plants and animals, some of which occur nowhere else in the world. The steep gradients of the landscape coupled with the ecotone influences of both the Mojave and Great Basin Deserts creates rapid transitions of life zones and immense biological diversity, a surprising aspect of a landscape that largely appears barren. This interface between two different deserts gives rise to a remarkable diversity of plant communities and intact wildlife habitats that continue to exist and evolve without recent extirpations or extinctions although several species in the park are listed as threatened or endangered. Desert tortoise, the icon of the Mojave, continues to exist at the extreme northern edge of its range in the gently sloped Greenwater Valley area of the park, while the more common desert bighorn sheep occupy the steep and rugged terrain of the park's many canyons and mountain ranges. Several species of desert pupfish survive in a handful of salty springs and pools, and along with their extinct cousins found elsewhere in the region, serve as a laboratory to study speciation and extinction in response to both past climate change and future climate change. The park's water resources are precious and few, especially the park's oasis-like perennial springs that support and attract virtually all life in the park (including humans) while also serving as the incubators for the evolution of rare and unique species of invertebrates that only exist in specific springs. These critical water resources are characterized by the periodic flooding events that, ironically, continue to be the primary geomorphic process that gives rise to the visible landscape that is mostly devoid of surface water. The rumbling of rocks in the form of colluvium and alluvium and the frequent whistle or roar of wind provide a striking contrast to the silence that often encompasses much of the park's backcountry. Such natural soundscapes, as well as relatively dark night skies and clear visibility, persist as the natural conditions under which the community of life revolves.

The natural quality of the park's wilderness character is degraded by the pervasive evidence of past mining activities and pre-existing roads, while the manipulation of springs by past human actions and modern park visitors, the presence of artificial water sources (e.g., guzzlers), and presence of nonnative plants and animals have localized effects on this quality. There are also past grazing impacts as well as currently permitted livestock grazing in some areas of the wilderness that degrade the natural quality. In a broader context, the naturalness is also degraded by air pollution and light pollution mostly originating from distant urban centers, particularly on the south end of the park. Of special concern for air quality is the observed increase in acid deposition and the implications it has for increasing soil nitrogen. This increase in soil nitrogen benefits the nonnative red brome grass, which then increases the size and frequency of fires, potentially converting native desert shrublands to alien grasslands. Even more broadly, climate change is likely acting upon the park's biophysical resources and most experts expect that the Mojave Desert will get hotter and maybe even dryer in the future. Such predictions have significant consequences for the biological resources of one of the hottest and driest places on Earth.

Undeveloped Quality of Wilderness Character

Modern facilities in Death Valley National Park are few and modern facilities within the wilderness are even less common. There are a few communication installations present at Mormon Peak, Grapevine Peak, and Dry Mountain; a handful of signs in wilderness; and some mine closure installations for public safety, but otherwise the millions of acres of desert wilderness are free from modern development. There are many viewpoints within the park where the entire landscape lies within the park and the only visible sign of human development, if any, is a thin ribbon of road fading into the horizon.

In contrast, historic facilities and artifacts are common throughout the park and are frequently encountered in the wilderness. The mineral wealth and geographic location as an entry point into California during the gold rush and homesteading period have left behind ample evidence of past human development, particularly related to 150 years of mining activities. The arid environment, which slows natural decay coupled with the relative inaccessibility of many historic sites, has resulted in the standing remains of numerous structures and artifacts from the last half of the 19th century and the first half of the 20th century. The arid landscape also marks the passage of people in the form of historic roads, travel routes, and utility corridors, particularly those connecting historic settlements or mining sites to the few reliable water sources yielded by such a dry place. Most of the expansive network of backcountry roads was originally constructed as historic routes of travel, then "cherry-stemmed" out of the wilderness to continue to provide vehicular access to points of interest to history buffs and mining enthusiasts. In some cases, roads were closed by wilderness designation and the former road prism is still visible. Today, approximately 3,000 acres of patented mining claims remain in the form of inholdings in wilderness (along with approximately 60 state land sections), but the era of industrial mining is over within the park. The visible evidence of more recent and still operational industrial mines outside park boundaries serve as a reminder of the mineral wealth of the desert and the efforts humans will expend to extract it. Associated with the historical use period of the park, there are also the remains of cattle grazing operations in the form of fences, corrals, line shacks, and manipulated water sources. Most grazing has been terminated, but the Hunter Mountain Allotment remains active, grazed by the same family since the late 1800s.

Native people have long been a part of this rugged landscape as evidenced by an extensive archeological record and the continuing relationship between this land and the modern-day Timbisha Shoshone people.

The Timbisha Tribe desires to continue their traditional cultural practices, such as mesquite cultivation, pinyon harvest, and spring maintenance within the Timbisha Shoshone Natural and Cultural Preservation Area, a million-acre overlay that includes both wilderness and nonwilderness lands. There are also legally designated traditional cultural properties such as those associated with the origin of the people at Ubehebe Crater and their ancestral homelands.

The undeveloped quality is degraded by the presence of installations such as communication equipment, grazing infrastructure, fences, utility corridors, artificial water sources for wildlife, and research installations. In addition, there are numerous debris piles that degrade the undeveloped quality of wilderness character in the park such as modern trash dumps, crashed aircraft, and abandoned vehicles. There are also off-road vehicle trespass incidents, some of which remain visible for years after the incident. This quality is also degraded by those rare occasions of authorized motorized equipment usage (e.g., chainsaws, helicopter landings, etc.) that are either used during emergency incidents or are authorized as the minimum tool to implement a planned activity as determined in a minimum requirements decision analysis. The loss of statutorily protected cultural resources also degrades this quality.

Untrammeled Quality of Wilderness Character

Since the designation of wilderness in 1994, the Death Valley National Park Wilderness remains largely untrammeled, with few intentional manipulations of the parks biophysical resources. Where such trammels do occur, they are generally localized and small in scale. Thus, in many ways the wilderness serves as a natural laboratory for the study of landscape-scale ecosystem processes. This lack of intentional manipulation is both by design and by default. It is also an unplanned consequence of a park with a large land base that is perpetually underfunded and understaffed, where most of the park's attention is necessarily focused on managing the developed areas where most visitation occurs, thus leaving few resources to expend in remote wilderness areas of the park.

This quality is degraded by actions that deliberately control or manipulate the Earth and its community of life. The most frequent form of trammeling that has occurred in Death Valley National Park is the control of nonnative plants in desert springs and removal of burros to protect bighorn sheep. Nonnative plant removal has occurred almost annually in recent years, while burro removal was a common occurrence in the past and anticipated to be a regular occurrence in the future. The most pervasive form of trammel within the park is the indirect influence of numerous paved and unpaved roads, which alter water flows and alluvial processes through their alignment, ditches, culverts, and other engineered features. The other forms of trammeling that occur are very isolated incidents. There is only one natural fire ignition that has been suppressed in the park in the history of fire record keeping, the Bullfrog Fire of 2006 which burned in nonwilderness lands, and that suppression action was in the form of mop-up after the fire had made its initial run and thus likely didn't alter the fire perimeter or intensity of the burn. There have been several human-caused ignitions in the wilderness that have been suppressed, most notably the Happy Fire of 2000. There are a few artificial wildlife watering sites, primarily on the northwest side of the park, that were inherited when the lands were added in 1994. The presence of artificial water serves to manipulate the distribution and abundance of wildlife species, although it is not known to what extent any of the guzzlers are still functional. Over time, many of the park's natural water sources have been manipulated by humans to provide more reliable or usable water for human uses, livestock, or wildlife. With the exception of Timbisha cultural practices at a few spring sites, such manipulations are not condoned by park managers but may still go on in some places. Also, as part of the park's ongoing efforts to mitigate public safety threats posed by abandoned mine sites, some soils have been re-contoured or backfilled and bat gates/cupolas have been installed that may alter use by wildlife. Plants, animals, or physical resources are sometimes authorized for scientific collection through a research permit process, but there may also be instances where collections exceed permit limits or plants and animals are taken (poached) illegally.

Solitude or Primitive and Unconfined Recreation Quality of Wilderness Character

The vastness of the Death Valley National Park landscape, the lack of trails or facilities, and the harshness of the environment give rise to an abundance of solitude. In many areas of the park, a backpacker can go for days without encountering another person and this is especially true in the Cottonwood Mountains, Grapevine Mountains, and Tucki Mountain. The rugged topography and lack of water provides the ultimate desert backcountry experience with abundant opportunities for challenge and self-reliance, including a chance for wintertime trips without winter conditions, equipment, or skills as well as summertime trips to the high elevation lands. The sheer size of the park, coupled with the varied topography and complex geology, means that there are a wide variety of backcountry experiences available, most of which can be accessed without traversing a developed area. With open terrain, few nocturnal predators, clear night skies, and no canopy overhead, the park provides a unique opportunity for night hiking. Most visitor destinations focus on springs, historic sites, canyons, summits, and geologic wonders, but with almost no trails visitors traverse the landscape in whatever way and direction their physical ability and sense of adventure lead with few or no encounters with other visitors. This vastness and relatively low visitation provides ample opportunity for solitude—a chance to contemplate the mysteries of the universe while observing the dark night sky and to experience the sounds of nature—it can be so quiet you can hear the rumble of rock against rock or even the saltation of soil particles as they continue the erosive processes that shape the land.

Given the vastness of the landscape, there are few signs, trails, or designated campsites and those that do exist are usually in proximity to roads. There are about 15 miles of designated hiking trails/routes and over 100 miles of hiking trails that connect points of interest and water sources but are not maintained as formal trails by the National Park Service. There are relatively few regulations that confine the visitor's opportunity for primitive and unconfined recreation, although there are a few no-camping zones as well as restrictions about fire use, length of stay, and party size. Such lack of regulations is typical of immediately surrounding Bureau of Land Management and U.S. Forest Service wilderness areas. Though the regulations on NPS lands are slightly more restrictive than adjacent BLM lands, they are vastly less restrictive than the experiences offered in the nearby Sierra Nevada park and wilderness areas. There are limited opportunities for stock use and such use is infrequent. Most recreational experiences require advance knowledge and backcountry skills because there are few opportunities for help and the harsh environment is unforgiving of mistakes.

The opportunity for solitude or primitive and unconfined recreation is generally greatest in the northern end of the park and less available in the southern end of the park due to the influence of surrounding military operations (debris and overflights) and the influence of air pollution and light pollution originating from distant population centers in Las Vegas, Nevada and Los Angeles, California. However, many of these impacts are not easily detected by a short-term visit to the park and so from the perspective of a wilderness visitor, solitude is still easily found anywhere off the paved roads of this sprawling park.

This opportunity for solitude is degraded by the presence of frequent military overflights at some locations and an abundant network of backcountry roads which both provide access but also sometimes are visible and audible for long distances. It is also diminished by reduced visibility caused by poor air quality and light pollution, both originating from regional population centers hundreds of miles beyond park boundaries. New recreational pursuits such as sand kiting have the potential to diminish opportunities for solitude due to the equipment used. These uses tend to concentrate at specific sites and it is likely in the future new forms of extreme sports will further exacerbate this condition. The primitive and unconfined quality is degraded by visitor use restrictions, particularly no camping in the valley floor and along high use corridors such as Mosaic and Natural Bridge Canyons.

Intangible Aspects of Wilderness Character

The Timbisha Shoshone Tribe has occupied the area encompassed by Death Valley National Park for thousands of years. Their elders occupied and used the vast lands now defined as wilderness, and their descendants still visit and utilize those areas today. While the Timbisha do not necessarily recognize the concept of wilderness as defined by Congress (since one is never truly alone), they do identify wilderness as a tool to protect land from development, encroachment, and incompatible uses and understand the park's duty to protect these areas.

Passage of the Timbisha Shoshone Homeland Act of 2000 (P.L. 106-423) established a land base for the tribe and a large natural and cultural preservation area and special use areas (+ 1/5 million acres), much of which is in Wilderness. However, since the National Park Service-Timbisha Cooperative Management Agreement has not been finalized, there are many aspects of this relationship as yet to be defined and clarified. Access to places of importance and management of resources, including gathering and management of plant resources, have at times been complicated by NPS rules and regulations. Communication between the park and the Timbisha Tribe has not always been effective in the past, but it is expected to improve over time.

The Timbisha Tribe recognizes existing impacts to wilderness that they would like to see reduced. Overflights by military and private aircraft disturb their experiences in wilderness. The presence of high numbers of people hiking off-trail is not desired by the Timbisha people, and protection of cultural and natural resources is of the utmost importance. The tribe would like to continue to work with the park to identify sensitive areas for resource protections (such as campsites, birthing areas, and cache areas) and receive information on resources and management from the park as well. The tribe would also like to continue to pass along its traditional cultural knowledge to younger tribal members through site visits and ceremonies. While the tribe does not favor mechanized intrusions into wilderness, they acknowledge that some motorized travel may be necessary to transport elderly cultural practitioners into now relatively inaccessible areas.

Wilderness Values

The unique values and features of the Death Valley National Park Wilderness are derived from the California Desert Protection Act, which established the wilderness area and the park's general management plan. They are presented and discussed by category as described in the Wilderness Act section 2(d)(4), which states that a wilderness "may also contain ecological geological, or other features of scientific, educational, scenic, or historical value." Ecological and geological values have been included in the natural quality described above.

Scientific and educational values of the Death Valley National Park Wilderness include:

- extreme conditions and isolation provide habitat for an unusually high number of plant and animal species that are highly adapted to these conditions (e.g., endemic species) and the opportunity to study them in their natural environment
- world renowned for its exposed, complex, and diverse geology and tectonics, and for its unusual geologic features, providing a natural geologic museum that represents a substantial portion of Earth's history
- a continuous section of the Pleistocene shoreline of Lake Manly providing an excellent opportunity for quaternary studies
- one of the nation's most diverse and significant fossil records and volcanic histories that provides a rich opportunity for paleontological and paleoecological studies
- five major sand dune systems representing all types of dune structures, making it one of the only places on Earth where this variety of dune types occurs in proximity to the lowest point in North America, the driest spot in the United States, and one of the hottest places on Earth

Scenic values of the Death Valley National Park Wilderness include:

- extremely colorful, complex, and highly visible geology and steep, rugged mountains and canyons provide some of the most dramatic visual landscapes in the United States
- some of the darkest night skies in the region, especially on the north end of the park

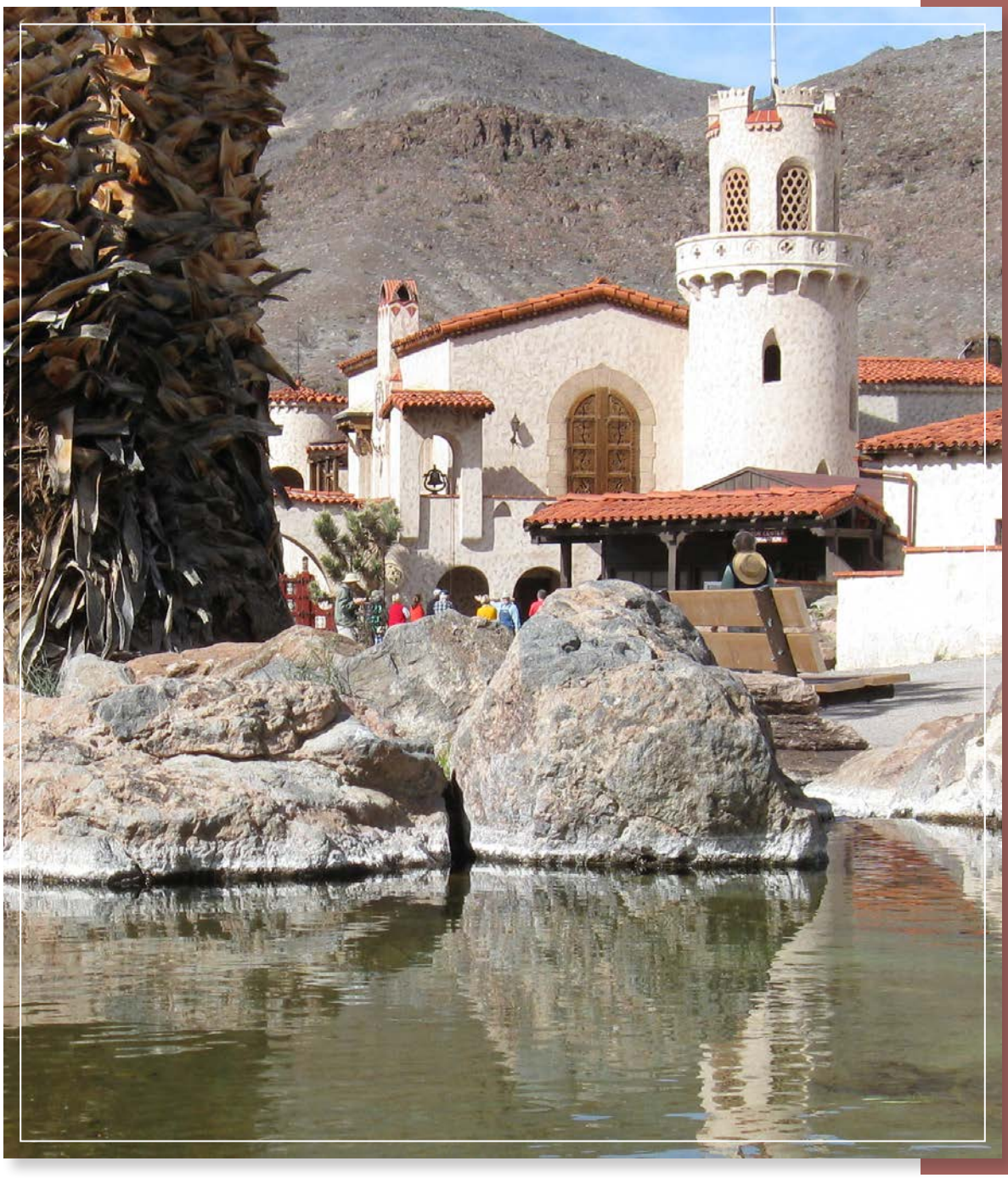
Historical values of the Death Valley National Park Wilderness include:

- continuous home of American Indians, from prehistoric cultures of the present day Timbisha Shoshone Tribe
- an unusually high number of well-preserved archeological sites, including rock art and alignments
- an extensive and well-preserved mining history representing over 150 years of mining technology

Wilderness character is degraded by any loss or degradation of the features or values listed above. Of particular concern at Death Valley National Park Wilderness is the loss of paleontological specimens as well as historical and archeological artifacts due to illegal collecting and vandalism. The loss of dark night skies due to light pollution from nearby urban centers (e.g., Las Vegas) is also a concern. Similarly, the loss of visual acuity of scenic vistas, particularly the visual details of the diverse geological formations and geomorphic landforms, are degraded by air pollution originating from urban and industrial areas outside the park.

Appendix E: Ongoing High Priority Planning and Data Collection Efforts

- Space utilization workshop of Scotty's Castle Historic District
- Scotty's Castle cultural landscape report
- Death Valley National Park strategic plan
- Saline Valley warm springs management plan



Pacific West Region Foundation Document Recommendation
Death Valley National Park

February 2017

This Foundation Document has been prepared as a collaborative effort between park and regional staff and is recommended for approval by the Pacific West Regional Director.

Mike Reynolds 2-13-17

RECOMMENDED
Mike Reynolds, Superintendent, Death Valley National Park **Date**

for Marrad 2/23/17

APPROVED
Laura E. Joss, Regional Director, Pacific West Region **Date**

As the nation's principal conservation agency, the Department of the Interior has responsibility for most of our nationally owned public lands and natural resources. This includes fostering sound use of our land and water resources; protecting our fish, wildlife, and biological diversity; preserving the environmental and cultural values of our national parks and historic places; and providing for the enjoyment of life through outdoor recreation. The department assesses our energy and mineral resources and works to ensure that their development is in the best interests of all our people by encouraging stewardship and citizen participation in their care. The department also has a major responsibility for American Indian reservation communities and for people who live in island territories under U.S. administration.

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