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11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**
13 **SAN FRANCISCO DIVISION**
14

15 _____)
CENTER FOR BIOLOGICAL DIVERSITY, *et al.*,)
16 Plaintiffs,)
17 v.)
U.S. BUREAU OF LAND MANAGEMENT, *et al.*,)
18 Federal Defendants, and)
19 KERN COUNTY, CALIFORNIA, *et al.*,)
20 Intervenor-Defendants.)
21 _____)

Case No. 3:06 CV-04884 SI
FEDERAL DEFENDANTS'
NOTICE OF FILING OF (1) ROUTE
MONITORING PLAN, (2) ROUTE
NETWORK MAINTENANCE AND
KIOSK IMPLEMENTATION PLAN,
(3) ENFORCEMENT PLAN, AND
(4) QUARTERLY REPORT

22 The federal defendants, U.S. Bureau of Land Management (BLM), *et al.*, submit this
23 notice of filing to provide the court with the three plans required by the court's January 29, 2011,
24 Order Re: Remedy (Order) for the West Mojave (WEMO) Planning Area, along with a quarterly
25 report regarding BLM's compliance. The court's Order states, in relevant part, as follows:

- 26 (1) * * *
27 (2) * * *
28 (3) Within 90 days of the Court's order, the BLM shall provide the Court with a

1 monitoring plan to determine (a) compliance with route closures and (b) whether
 2 new illegal routes are being created. The monitoring plan should demonstrate that
 3 the effort will be adequate to determine compliance at a statistically significant
 4 level.

5 (4) * * *

6 (5) Within 90 days of the Court's order, [the BLM shall] provide the Court and the
 7 parties with a plan for maintenance of the open route network and installation of
 8 informational kiosks at all major OHV access points.

9 (6) Within 90 days of the Court's order, [the BLM shall] provide the Court and the
 10 parties with a plan for providing additional enforcement capability for the route
 11 network in the WEMO.

12 (7) Provide the Court and the parties quarterly reports indicating the BLM's progress
 13 in implementing requirements 1-6.

14 Order Re: Remedy (Doc. 243 at 14-15), *Center for Biological Diversity v. U.S. Bureau of Land*
 15 *Management*, 2011 Westlaw 337364, ** 9-10 (N.D. Cal. Jan. 29, 2011). As directed by the court,
 16 BLM now submits the three plans required to be provided with 90 days of the date of the Order,
 17 as summarized below.

18 **1. Route Monitoring Plan**

19 BLM has prepared a Route Monitoring Plan, attached as Exhibit 1, which covers the
 20 approximately 5,098 miles of roads and trails within the WEMO designated route system. BLM
 21 has adjusted its signing strategy since the 2006 Record of Decision for the WEMO Plan to reflect
 22 updated route designation decisions. Exhibit 1 at 2. This plan addresses "the scope of monitoring
 23 to be done, the process that is being used including overall priorities, and specific strategies for
 24 each of the field offices affected by the order." Exhibit 1 at 3. Under this plan, BLM will
 25 monitor the route network developed and signed by the signing crews from the two field offices,
 26 Barstow and Ridgecrest. BLM staff will drive the designated routes, document observed
 27 conditions including any unauthorized routes, and document the impacts on resources from
 28 unauthorized use. Exhibit 1 at 3.

1 BLM has prepared a map of each sub-region with the designated route system, overlaying
2 Geographic Information System (GIS) mapping coverages and land ownership for 32 identified
3 sub-regions. Exhibit 1 at 5. Teams will monitor one-quarter (25%) of the signed routes during
4 each calendar quarter in the first year. In subsequent years, BLM staff will monitor a statistically
5 valid portion of the network to observe changes from the initial assessment. Exhibit 1 at 5. BLM
6 will revisit each unauthorized route to evaluate the severity of impacts from off-highway vehicles
7 (OHVs) and other activities and record the data on a report form, attached as Appendix C to
8 Exhibit 1. That data will be provided to the BLM Outdoor Recreational Planner, who then will
9 compile and analyze the data and make appropriate recommendations to the BLM Field Office
10 Manager. Exhibit 1 at 5.

11 Monitoring teams will verify newly signed open routes to ensure that the routes and new
12 maps are consistent. Exhibit 1 at 6. Teams will record and rank unauthorized routes according to
13 usage levels to establish an updated assessment and document unauthorized routes at the time of
14 monitoring. Exhibit 1 at 6. After teams have established baseline data, BLM will use statistical
15 sampling methods to enable the staff to compare the data on routes and usage over time. Exhibit
16 1 at 6. Along with the Route Monitoring Plan, BLM is filing the 2004 Memorandum on
17 California Desert District Signing Strategy (Appendix A), the WEMO Route Signing
18 Implementation Strategy (Appendix B, previously filed with the court on March 30, 2011), and
19 the Sub-Region Observation Form (Appendix C), which the staff will use to submit data.

20 **2. Route Network Maintenance and Kiosk Installation Plan**

21 BLM submits the Route Network Maintenance and Kiosk Installation Plan, attached as
22 Exhibit 2. This plan notes that the 3.2 million acres of public land in the WEMO Planning Area
23 are divided into 32 subregions, with those subregions delineated into 13 patrol sectors for law
24 enforcement purposes. Exhibit 2 at 3. At present, route maintenance activities are handled based
25 on available funding and depending on the nature of the issues raised. The WEMO Planning
26 Area currently has a total of 89 kiosks along the designated route system. Exhibit 2 at 3. All
27 kiosks must be updated when the current signing effort is complete and upon approval of the
28 revised route designation effort in 2014. Exhibit 2 at 3. The plan lists all kiosks according to

1 subregion and provides a brief description of the location and number of panels that comprise the
2 kiosk. Exhibit 2 at 3-5.

3 The maintenance plan has three priorities (Phases I, II, and III), established according to
4 the types of actions needed and the appropriate time frames for action. Exhibit 2 at 6. Phase I,
5 the highest priority, includes maintenance issues that “pose an immediate significant safety threat
6 to the use” and actions that “require immediate attention,” which will be implemented as soon as
7 feasible and no later than five working days following discovery of the need for action. Exhibit 2
8 at 6. Phases II and III also require action, but on a somewhat less urgent schedule. The plan
9 describes the types of routine maintenance activities that BLM staff performs while monitoring
10 the route network, assisted by volunteers, authorized users, and the public. Exhibit 2 at 6. These
11 include sign replacement or additional sign placement on authorized routes, repair of kiosk
12 damage, replacement and upgrading of maps and brochures, and ongoing damage repair and
13 scheduled upgrades. Exhibit 2 at 6.

14 As noted, BLM currently has 89 kiosks in the WEMO Planning Area. The priority for
15 new or additional kiosks is guided by the need for public education, with those areas not currently
16 being served ranked higher on the priority list. Exhibit 2 at 7. To date, the teams have identified
17 14 potential locations for additional kiosks, and the GIS database has been updated to reflect
18 these locations. Exhibit 2 at 7.

19 Phase 1 of the new Kiosk Informational Plan will focus on identifying potential major
20 OHV access points that may require a kiosk. Informational displays will include the notice
21 required by the court’s Order regarding the limitation of motorized use to routes that are signed as
22 open. Exhibit 2 at 7. Displays also will include rules for the area to regulate allowable and
23 prohibited uses. Exhibit 2 at 7.

24 Phase 2 of the kiosk installation plan will use the same priority for signing open routes, as
25 provided to the court on March 30, 2011. Exhibit 2 at 8-9. Data collected from Phase 1 will
26 assist in placing information kiosks in areas and locations to provide information to the public,
27 with data ranked using factors such as biological, cultural, and recreational resources, usage, and
28 other relevant data. Exhibit 2 at 9. Once the site and type of kiosk is selected, the team will

1 determine the site map, rules, and other information to be displayed to enhance the recreational
2 experience and facilitate compliance with the route network. Exhibit 2 at 9.

3 Phase 3 of the Kiosk Installation Plan involves fabrication and installation. Kiosk design
4 will determine cost, and the plan estimates the costs that may be incurred. Exhibit 2 at 10. The
5 plan also provides photographic examples of several typical kiosk designs. Exhibit 2 at 11-14.

6 **3. Enforcement Plan**

7 BLM submits its Enforcement Plan, attached as Exhibit 3. This plan is organized
8 according to the responsibilities assigned to the various Field Offices within the California Desert
9 District and further subdivided by patrol sections with the Field Offices. Exhibit 3 at 2. While
10 most of the WEMO Planning Area is under the primary management jurisdiction of the Barstow
11 and Ridgecrest Field Offices, certain law enforcement responsibilities have been assigned to the
12 Palm Springs/South Coast and Needles Field Offices. The plan briefly describes the law
13 enforcement responsibility for each of the four Field Offices, along with a strategy for
14 enforcement and an analysis of the patrol sections containing the subregions within the WEMO
15 Planning Area. Exhibit 3 at 2.

16 The Barstow Field Office's area and responsibilities for patrol, staffing, and management
17 are described in Exhibit 3 at 3-10. The Ridgecrest Field Office's area and responsibilities for
18 patrol, staffing, and management are described in Exhibit 3 at 11-19. The Palm Springs/South
19 Coast Field Office's area and responsibilities for patrol, staffing, and management are described
20 in Exhibit 3 at 20-22. The Needles Field Office's area and responsibilities for patrol, staffing, and
21 management are described in Exhibit 3 at 23-25. The Enforcement Plan also includes two maps:
22 the Sector and Subregion Map for Barstow, Palm Springs, and Needles, attached as Appendix A;
23 and the Sector and Subregion Map for Ridgecrest, attached as Appendix B.

24 **4. Quarterly Report**

25 The court directed the federal defendants to file quarterly reports to indicate BLM's
26 progress in implementing the requirements of the court's January 29, 2011 Remedy Order. To
27 date, BLM has complied with the court's Order by preparing and filing four separate plans, as
28 directed. All four plans have been completed and filed in a timely fashion.

1 Each plan provides details regarding BLM's ongoing efforts to implement the WEMO
 2 Plan, consistent with the court's Order. The March 30, 2011, Sign Implementation Strategy
 3 explains the steps BLM is taking to post signs for open routes in the West Mojave Planning Area.
 4 The three plans attached to this notice explain the steps BLM is taking to monitor the OHV route
 5 network, to maintain the route network and install kiosks, and to enforce compliance with the
 6 WEMO Plan and the court's Order. Because these plans represent the initial steps, BLM does not
 7 yet have information regarding the manner and degree to which the four plans are impacting
 8 OHV use and the many resources of the expansive WEMO Planning Area. BLM anticipates that
 9 future quarterly reports will include that type of information.

10 To provide an orderly, systematic, and regular schedule for the quarterly reports, the
 11 federal defendants propose to file quarterly reports on the last day of each calendar quarter (e.g.,
 12 March 31, June 30, September 30, and December 31), except when that date falls on a weekend
 13 or holiday, in which case the report will be filed on the next business day. Because this filing
 14 provides the most recent available information and falls in the middle of a calendar quarter, the
 15 federal defendants propose to file the next quarterly report on September 30, 2011, unless the
 16 court orders an additional quarterly report to be filed on June 30, 2011. BLM also anticipates
 17 posting its quarterly reports on the agency's website to ensure public access and transparency.

18 Dated: April 28, 2011

Respectfully submitted,

19 IGNACIA S. MORENO
 20 Assistant Attorney General
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22 /s/ *Charles R. Shockey*

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CERTIFICATE OF SERVICE

I hereby certify that on April 28, 2011, I filed the “FEDERAL DEFENDANTS’ NOTICE OF FILING OF ROUTE MONITORING PLAN, ROUTE NETWORK MAINTENANCE AND KIOSK IMPLEMENTATION PLAN, ENFORCEMENT PLAN, AND QUARTERLY REPORT” through the court’s ECF system, which automatically serves a copy on all counsel of record.

/s/ Charles R. Shockey

CHARLES R. SHOCKEY
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