

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

DONNA CHARPIED, et al.)
)
Plaintiffs,)
)
v.)
)
UNITED STATES DEPARTMENT)
OF THE INTERIOR, et al.)
)
Defendants.)
_____)

EDCV99-00454 RT
EDCV 00-00041 RT

ORDER REMANDING BOTH ACTIONS
TO DEFENDANT BUREAU OF LAND
MANAGEMENT FOR PROCEEDINGS
CONSISTENT WITH THE NINTH
CIRCUIT AMENDED OPINION DATED
MAY 19, 2010

NATIONAL PARKS AND)
CONSERVATION ASSOCIATION,)
)
Plaintiff,)
)
v.)
)
BUREAU OF LAND MANAGEMENT,)
et al.,)
)
Defendants.)
_____)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IT IS ORDERED THAT:

(1) Plaintiffs’ motions for summary judgment in case no. EDCV 99-0454 and case no. EDCV 00-0041 are GRANTED with respect to the FLPMA “highest and best use” claim and to the following NEPA issues: (1) eutrophication; (2) statement of “purpose and need”; and (3) analysis of “reasonable range of alternatives.” They are DENIED with respect to the FLPMA “public interest determination” claim and the following NEPA issues: (1) noise; (2) night lighting; (3) visual impacts; (4) desert tortoises; (5) air quality; (6) groundwater; and (7) Bighorn sheep;

(2) Defendants’ motions for summary judgment in case no. EDCV 99-0454 and case no. EDCV 00-0041 are GRANTED with respect to the FLPMA “public interest determination” claim and the following NEPA issues: (1) noise; (2) night lighting; (3) visual impacts; (4) desert tortoises; (5) air quality; (6) groundwater and (7) Bighorn sheep. They are DENIED with respect to the FLPMA “highest and best use” claim and the following NEPA issues: (1) eutrophication; (2) statement of “purpose and need”; and (3) analysis of “reasonable range of alternatives;”

(3) The subject land exchange and grant of rights of way and reversionary interests are set aside and Defendants are enjoined from engaging in any action that would change the character and use of the exchanged properties pending the Bureau of Land Management’s (“BLM”) preparation of a ROD consistent with the Ninth Circuit’s rulings in its May 19, 2010 amended opinion and an EIS which addresses the deficiencies in the subject Final EIS as noted by the Ninth Circuit;

(4) These actions are REMANDED to the BLM for proceedings consistent with the Ninth Circuit’s May 19, 2010 amended opinion; and

(5) The Court retains jurisdiction to resolve any legal challenges by Plaintiffs to the new ROD and EIS and to vacate or reaffirm the above-stated injunction and set aside Order.

DATED: May 10, 2011

ROBERT J. TIMLIN

ROBERT J. TIMLIN
UNITED STATES DISTRICT JUDGE