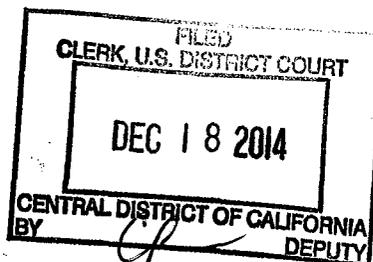


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IN THE UNITED STATES DISTRICT COURT FOR THE  
CENTRAL DISTRICT OF CALIFORNIA  
LOS ANGELES – SPRING STREET DIVISION

DONNA CHARPIED, et al., )  
Plaintiffs, )

Civ. No. ED CV 99-0454 RT (Mcx)

v. )

*RT*  
~~PROPOSED~~ FINAL JUDGMENT  
AND ORDER OF DISMISSAL

UNITED STATES DEPARTMENT )  
OF INTERIOR, et al., )  
Defendants. )

NATIONAL PARKS )  
CONSERVATION ASSN. )  
Plaintiff, )

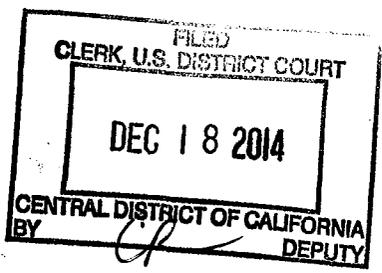
Civ. No. ED CV 00-0041 RT (Mcx)

v. )

BUREAU OF LAND )  
MANAGEMENT, et al., )  
Defendants. )

Consistent with the Ninth Circuit’s rulings in its May 19, 2010 amended  
opinion, IT IS SO ORDERED AND ADJUDGED THAT:

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**IN THE UNITED STATES DISTRICT COURT FOR THE  
CENTRAL DISTRICT OF CALIFORNIA  
LOS ANGELES – SPRING STREET DIVISION**

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

Civ. No. ED CV 99-0454 RT (Mex)  
*RJT*  
**[PROPOSED] FINAL JUDGMENT  
AND ORDER OF DISMISSAL**

NATIONAL PARKS )  
CONSERVATION ASSN. )  
Plaintiff, )  
v. )  
BUREAU OF LAND )  
MANAGEMENT, et al., )  
Defendants. )

Civ. No. ED CV 00-0041 RT (Mex)

Consistent with the Ninth Circuit’s rulings in its May 19, 2010 amended  
opinion, IT IS SO ORDERED AND ADJUDGED THAT:

1 (1) Judgment is entered in favor of Plaintiffs in Case No. EDCV 99-0454  
2 and Case No. EDCV 00-0041 with respect to Plaintiffs' Federal Land Policy and  
3 Management Act ("FLPMA") "highest and best use" claims and the following  
4 National Environmental Policy Act ("NEPA") claims: (1) eutrophication; (2)  
5 statement of "purpose and need"; and (3) analysis of "reasonable range of  
6 alternatives."

7 (2) Judgment is entered in favor of Defendants in Case No. EDCV 99-0454  
8 and Case No. EDCV 00-0041 with respect to Plaintiffs' FLPMA "public interest  
9 determination" claims and the following NEPA claims: (1) noise; (2) night  
10 lighting; (3) visual impacts; (4) desert tortoises; (5) air quality; (6) groundwater  
11 and (7) bighorn sheep.

12 (3) This Court's Orders dated May 10, 2011 (ECF No. 181 in Case No.  
13 EDCV 99-0454 and ECF No. 95 in Case No. EDCV 00-0041) are hereby  
14 superseded and vacated in their entireties. The relief afforded by this Final  
15 Judgment and Order of Dismissal shall be the sole remedy granted for Plaintiffs'  
16 claims.

17 (4) The subject land exchange and grant of rights of way and reversionary  
18 interests are vacated to the following extent:

19 (a) Patent 04-2000-0001, recorded in official records of Riverside County  
20 on October 13, 1999, as Document # 1999-452317, which conveyed  
21 approximately 3,841 acres of public lands to Kaiser Eagle Mountain, Inc., a  
22 Delaware Corporation, is cancelled in its entirety as of the date of this Order.  
23 The fee title to those lands which had been conveyed to Kaiser Eagle  
24 Mountain, Inc. in the patent are returned to their status as public lands  
25 belonging to the United States, subject to the federal mining claims and mill  
26 sites of Kaiser Eagle Mountain, Inc. and its successor in interest Kaiser  
27 Eagle Mountain, LLC, as existed immediately prior to issuance of the patent  
28 by the Bureau of Land Management ("BLM"). Any obligations, rights, or

1 interests, including reinstatement of mining claims and mill sites as  
2 referenced in the "Relinquishment of Unpatented Mining Claims" document  
3 (executed by Kaiser Eagle Mountain, Inc. on August 26, 1999), in the land  
4 that were relinquished by Kaiser Eagle Mountain, Inc., effective on the  
5 issuance of Patent 04-2000-0001 and conditioned on the continuing validity  
6 of the Patent, are hereby fully reinstated in the name of Kaiser Eagle  
7 Mountain, Inc. or its successor in interest Kaiser Eagle Mountain, LLC, as  
8 the claims and sites existed immediately prior to issuance of the Patent by  
9 the BLM. Nothing associated with or arising from the relinquishment or  
10 reinstatement of the mining claims and mill sites, the issuance or  
11 cancellation of Patent 04-2000-0001, or ownership by Kaiser Eagle  
12 Mountain, Inc. or its successor in interest Kaiser Eagle Mountain, LLC of  
13 the lands covered by Patent 04-2000-001 for the period of time from and  
14 including October 13, 1999 to and including the effective date of this Order,  
15 shall be grounds for any future challenge to the validity of the mining claims  
16 and mill sites reinstated under this Order or the cancellation of Patent 04-  
17 2000-001.

18 (b) Patent 04-2000-0002, Recorded in Official Records of Riverside County  
19 on October 13, 1999, as Document # 1999-452318, which conveyed the  
20 federal reversionary interest in the Eagle Mountain Townsite to Kaiser Eagle  
21 Mountain, Inc., is cancelled in its entirety as of the date of this Order and the  
22 continuous seven-year period of non-use associated with any potential  
23 reversionary interest on the Eagle Mountain Townsite pursuant to Private  
24 Law 790 approved July 8, 1952 shall not include the period from and  
25 including October 13, 1999 to and including the effective date of this Order.

26 (c) Right of way grant CACA 25594 for the Eagle Mountain Railroad,  
27 issued to Kaiser Eagle Mountain, Inc. and approved by the BLM on  
28 December 9, 1998 pursuant to FLPMA, is hereby terminated in its entirety

1 as of the date of this Order. Kaiser Eagle Mountain, Inc.'s rights and  
2 interests in right of way grant CACA 31926, issued jointly to the  
3 Metropolitan Water District of Southern California, and approved by the  
4 BLM on December 9, 1998, are hereby terminated as of the date of this  
5 Order. This Order does not in any way affect right of way LA 0121701  
6 granted to Kaiser Steel Corporation on June 8, 1956 and lands conveyed to  
7 Kaiser Steel Corporation in Patent 1153422 executed on August 9, 1955,  
8 pursuant to Private Law 790 approved July 8, 1952 and the continuous  
9 seven-year period of abandonment or non-use associated with any potential  
10 reversionary interest pursuant to Private Law 790 and as reflected in right of  
11 way LA 0121701 and in Patent 1153422, and shall not include the period  
12 from and including October 13, 1999 to and including the effective date of  
13 this Order.

14 (d) The 2,846 acres of land conveyed from Kaiser Eagle Mountain, Inc. to  
15 the United States in Grant Deed 30070 recorded in the official records of  
16 Riverside County on October 13, 1999 as Document 1999-452314 will  
17 remain in the ownership of the United States.

18 (e) The United States will restore or otherwise make arrangements to credit,  
19 without accruing interest, the cash equalization payment of \$20,100.00 made  
20 by Kaiser Eagle Mountain, Inc. as part of the subject exchange.

21 (f) No payments or further transactions that involve the subject land  
22 exchange or the related transactions are required by, provided for, or enabled  
23 under this Order, including any mining claim maintenance fees that would  
24 have been required for the intervening assessment years had there been no  
25 land exchange.

26 (5) The United States and Kaiser Eagle Mountain, LLC (successor in  
27 interest to Kaiser Eagle Mountain, Inc.) shall take such other action as is  
28 reasonably necessary or appropriate to implement this Order, including, but not

1 limited to, the execution and delivery of appropriate deeds, documents and other  
2 instruments and providing constructive notice of this Order in the official records  
3 of Riverside County by Kaiser Eagle Mountain, Inc., or its successors in interest,  
4 executing and recording a quit claim deed (or deeds) reconveying, to the United  
5 States, the lands and interests in land described in Patents 04-2000-0001 and 04-  
6 2000-0002 and the appropriate reflection in the BLM's records of the reinstated  
7 mining claims and mill sites. The quit claim deed(s) shall reference or attach this  
8 Order.

9 (6) This Court retains jurisdiction for the purposes of resolving any claims  
10 that Plaintiffs may assert for attorneys' fees and expenses pursuant to the Equal  
11 Access to Justice Act ("EAJA"), 28 U.S.C. § 2412, or any other basis, subject to  
12 this Court's May 10, 2011 Orders (ECF No. 180 in Case No. EDCV 99-0454 and  
13 ECF No. 94 in Case No. EDCV 00-0041) concerning the procedure for briefing  
14 any such claims. Any threshold motion for attorneys' fees and costs under EAJA  
15 or any other basis shall be filed no later than 60 days from the date of this Order,  
16 with any response due 45 days thereafter, and any reply due 30 days thereafter.

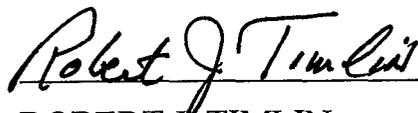
17 (7) Any and all claims in Plaintiffs' Complaints, otherwise not specifically  
18 referenced above, in both Case No. EDCV 99-0454 and Case No. EDCV 00-0041,  
19 are dismissed with prejudice and the remand order and injunction are dissolved and  
20 are of no further force and effect as of the effective date of this Order.

21 ~~(8) The Clerk of the Court is directed to close the file in this case.~~

RT

22 IT IS SO ORDERED.

23  
24 DATED: 12/18/14

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26 ROBERT J. TIMLIN  
27 United States District Judge  
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UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

DONNA CHARPIED, et al. )  
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 Plaintiffs, )  
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 v. )  
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 UNITED STATES DEPARTMENT )  
 OF THE INTERIOR, et al. )  
 )  
 Defendants. )  
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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, )  
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 Plaintiff, )  
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 v. )  
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 BUREAU OF LAND MANAGEMENT, )  
 et al., )  
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 Defendants. )  
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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

1 (1) Judgment is entered in favor of Plaintiffs in Case No. EDCV 99-0454  
2 and Case No. EDCV 00-0041 with respect to Plaintiffs' Federal Land Policy and  
3 Management Act ("FLPMA") "highest and best use" claims and the following  
4 National Environmental Policy Act ("NEPA") claims: (1) eutrophication; (2)  
5 statement of "purpose and need"; and (3) analysis of "reasonable range of  
6 alternatives."

7 (2) Judgment is entered in favor of Defendants in Case No. EDCV 99-0454  
8 and Case No. EDCV 00-0041 with respect to Plaintiffs' FLPMA "public interest  
9 determination" claims and the following NEPA claims: (1) noise; (2) night  
10 lighting; (3) visual impacts; (4) desert tortoises; (5) air quality; (6) groundwater  
11 and (7) bighorn sheep.

12 (3) This Court's Orders dated May 10, 2011 (ECF No. 181 in Case No.  
13 EDCV 99-0454 and ECF No. 95 in Case No. EDCV 00-0041) are hereby  
14 superseded and vacated in their entireties. The relief afforded by this Final  
15 Judgment and Order of Dismissal shall be the sole remedy granted for Plaintiffs'  
16 claims.

17 (4) The subject land exchange and grant of rights of way and reversionary  
18 interests are vacated to the following extent:

19 (a) Patent 04-2000-0001, recorded in official records of Riverside County  
20 on October 13, 1999, as Document # 1999-452317, which conveyed  
21 approximately 3,841 acres of public lands to Kaiser Eagle Mountain, Inc., a  
22 Delaware Corporation, is cancelled in its entirety as of the date of this Order.  
23 The fee title to those lands which had been conveyed to Kaiser Eagle  
24 Mountain, Inc. in the patent are returned to their status as public lands  
25 belonging to the United States, subject to the federal mining claims and mill  
26 sites of Kaiser Eagle Mountain, Inc. and its successor in interest Kaiser  
27 Eagle Mountain, LLC, as existed immediately prior to issuance of the patent  
28 by the Bureau of Land Management ("BLM"). Any obligations, rights, or

1 interests, including reinstatement of mining claims and mill sites as  
2 referenced in the "Relinquishment of Unpatented Mining Claims" document  
3 (executed by Kaiser Eagle Mountain, Inc. on August 26, 1999), in the land  
4 that were relinquished by Kaiser Eagle Mountain, Inc., effective on the  
5 issuance of Patent 04-2000-0001 and conditioned on the continuing validity  
6 of the Patent, are hereby fully reinstated in the name of Kaiser Eagle  
7 Mountain, Inc. or its successor in interest Kaiser Eagle Mountain, LLC, as  
8 the claims and sites existed immediately prior to issuance of the Patent by  
9 the BLM. Nothing associated with or arising from the relinquishment or  
10 reinstatement of the mining claims and mill sites, the issuance or  
11 cancellation of Patent 04-2000-0001, or ownership by Kaiser Eagle  
12 Mountain, Inc. or its successor in interest Kaiser Eagle Mountain, LLC of  
13 the lands covered by Patent 04-2000-001 for the period of time from and  
14 including October 13, 1999 to and including the effective date of this Order,  
15 shall be grounds for any future challenge to the validity of the mining claims  
16 and mill sites reinstated under this Order or the cancellation of Patent 04-  
17 2000-001.

18 (b) Patent 04-2000-0002, Recorded in Official Records of Riverside County  
19 on October 13, 1999, as Document # 1999-452318, which conveyed the  
20 federal reversionary interest in the Eagle Mountain Townsite to Kaiser Eagle  
21 Mountain, Inc., is cancelled in its entirety as of the date of this Order and the  
22 continuous seven-year period of non-use associated with any potential  
23 reversionary interest on the Eagle Mountain Townsite pursuant to Private  
24 Law 790 approved July 8, 1952 shall not include the period from and  
25 including October 13, 1999 to and including the effective date of this Order.

26 (c) Right of way grant CACA 25594 for the Eagle Mountain Railroad,  
27 issued to Kaiser Eagle Mountain, Inc. and approved by the BLM on  
28 December 9, 1998 pursuant to FLPMA, is hereby terminated in its entirety

1 as of the date of this Order. Kaiser Eagle Mountain, Inc.'s rights and  
2 interests in right of way grant CACA 31926, issued jointly to the  
3 Metropolitan Water District of Southern California, and approved by the  
4 BLM on December 9, 1998, are hereby terminated as of the date of this  
5 Order. This Order does not in any way affect right of way LA 0121701  
6 granted to Kaiser Steel Corporation on June 8, 1956 and lands conveyed to  
7 Kaiser Steel Corporation in Patent 1153422 executed on August 9, 1955,  
8 pursuant to Private Law 790 approved July 8, 1952 and the continuous  
9 seven-year period of abandonment or non-use associated with any potential  
10 reversionary interest pursuant to Private Law 790 and as reflected in right of  
11 way LA 0121701 and in Patent 1153422, and shall not include the period  
12 from and including October 13, 1999 to and including the effective date of  
13 this Order.

14 (d) The 2,846 acres of land conveyed from Kaiser Eagle Mountain, Inc. to  
15 the United States in Grant Deed 30070 recorded in the official records of  
16 Riverside County on October 13, 1999 as Document 1999-452314 will  
17 remain in the ownership of the United States.

18 (e) The United States will restore or otherwise make arrangements to credit,  
19 without accruing interest, the cash equalization payment of \$20,100.00 made  
20 by Kaiser Eagle Mountain, Inc. as part of the subject exchange.

21 (f) No payments or further transactions that involve the subject land  
22 exchange or the related transactions are required by, provided for, or enabled  
23 under this Order, including any mining claim maintenance fees that would  
24 have been required for the intervening assessment years had there been no  
25 land exchange.

26 (5) The United States and Kaiser Eagle Mountain, LLC (successor in  
27 interest to Kaiser Eagle Mountain, Inc.) shall take such other action as is  
28 reasonably necessary or appropriate to implement this Order, including, but not

1 limited to, the execution and delivery of appropriate deeds, documents and other  
2 instruments and providing constructive notice of this Order in the official records  
3 of Riverside County by Kaiser Eagle Mountain, Inc., or its successors in interest,  
4 executing and recording a quit claim deed (or deeds) reconveying, to the United  
5 States, the lands and interests in land described in Patents 04-2000-0001 and 04-  
6 2000-0002 and the appropriate reflection in the BLM's records of the reinstated  
7 mining claims and mill sites. The quit claim deed(s) shall reference or attach this  
8 Order.

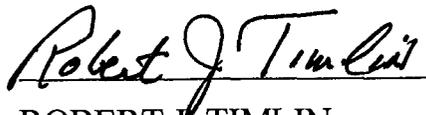
9 (6) This Court retains jurisdiction for the purposes of resolving any claims  
10 that Plaintiffs may assert for attorneys' fees and expenses pursuant to the Equal  
11 Access to Justice Act ("EAJA"), 28 U.S.C. § 2412, or any other basis, subject to  
12 this Court's May 10, 2011 Orders (ECF No. 180 in Case No. EDCV 99-0454 and  
13 ECF No. 94 in Case No. EDCV 00-0041) concerning the procedure for briefing  
14 any such claims. Any threshold motion for attorneys' fees and costs under EAJA  
15 or any other basis shall be filed no later than 60 days from the date of this Order,  
16 with any response due 45 days thereafter, and any reply due 30 days thereafter.

17 (7) Any and all claims in Plaintiffs' Complaints, otherwise not specifically  
18 referenced above, in both Case No. EDCV 99-0454 and Case No. EDCV 00-0041,  
19 are dismissed with prejudice and the remand order and injunction are dissolved and  
20 are of no further force and effect as of the effective date of this Order.

21 ~~R/T (8) The Clerk of the Court is directed to close the file in this case.~~

22 IT IS SO ORDERED.

23  
24 DATED: 12/18/14

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26 ROBERT J. TIMLIN  
27 United States District Judge  
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UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

DONNA CHARPIED, et al. )  
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 Plaintiffs, )  
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 v. )  
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 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

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