

Bureau of Land Management  
Quarterly Report  
September 30, 2016

**1. Route Monitoring and Compliance**

**a. Monitoring Compliance with Route Closures at a Statistically Significant Level – Update from June 2016 Quarterly Report**

Pursuant to the 2013 WEMO OHV Monitoring Protocol (Doc. 332-3), for Year 3 of the first 3-year monitoring cycle, (Year 3) commencing August 2015, the Bureau of Land Management (BLM) completed field inspection and data recordation on 110 miles of field sample routes, and 54 miles of aerial photo sample routes. Over the three years of this first 3-year monitoring cycle, BLM has completed field inspection and data recordation on a total of 342 miles of field sample routes out of the required 336 miles in the field review sample set, and 161 miles of the aerial sample routes out of the required 150 miles in the aerial review sample set.

A monitoring status memorandum and map for Year 3 of the first 3-year monitoring cycle are attached to this quarterly report (Attachment 1 -- Year 3 Monitoring Status Memo; Attachment 2 -- Year 3 Monitoring Protocol Map). The memo identifies which routes were monitored in the field and which routes were monitored via aerial photos, and includes a map of the routes that were monitored (color-coded for field versus aerial photo monitoring). The memo states when monitoring occurred, identifies issues encountered, and states that no deviation or changes in the protocol or variables were required.

In accordance with Section 4.2 of the WEMO OHV Monitoring Protocol, the results from the first 3-year monitoring cycle will be presented in a Year 3 Monitoring Results Report. The data from the first 3-year monitoring cycle is currently undergoing Quality Assurance/Quality Control review and analysis. It is anticipated that the Year 3 Monitoring Results Report will be filed with the Court in October 2016.

**b. Summary of Monitoring/Enforcement Effort – Update from June 2016 Quarterly Report**

BLM law enforcement (LE) Rangers conducted 150 compliance checks (*e.g.*, wilderness, Area of Critical Environmental Concern, cultural sites) and 29 enforcement contacts within the West Mojave (WEMO) planning area. Of these 29 enforcement contacts, 7 pertained directly to off-route (43 CFR 8341.1(b)), closed area (43 CFR 8341.1(c), CA VC 38301(b)), wilderness (43 CFR 6302.20(d)), National Scenic Trail (43 CFR 8351.1-1(a)), or other motor vehicle violations. Written reports were prepared for some of these violations as part of the Incident Management and Response System (IMARS) in support of pending investigations. Table 1 provides an overview of LE actions by patrol sector within the WEMO planning area.

| <b>Table 1. Overview Of Law Enforcement Actions By Patrol Sector Within The West Mojave Planning Area Since June 2016 Quarterly Report</b> |                          |                                 |                             |                        |                             |
|--|--------------------------|---------------------------------|-----------------------------|------------------------|-----------------------------|
| <b>Patrol Sector</b>   | <b>Compliance Checks</b> | <b>Federal Violation Notice</b> | <b>State/Local Citation</b> | <b>Written Warning</b> | <b>Written Report Filed</b> |
| <i><b>Barstow</b></i>  |                          |                                 |                             |                        |                             |
| 81   | 1                        | 0                               | 0                           | 0                      | 0                           |
| 82   | 0                        | 0                               | 0                           | 3                      | 0                           |
| 83   | 0                        | 0                               | 0                           | 0                      | 0                           |
| 84   | 0                        | 5                               | 0                           | 3                      | 0                           |
| 85   | 0                        | 0                               | 0                           | 0                      | 2                           |
| 86   | 0                        | 0                               | 0                           | 0                      | 0                           |
| <i><b>Ridgecrest</b></i>   |                          |                                 |                             |                        |                             |
| 1  | 9                        | 0                               | 0                           | 0                      | 0                           |
| 2  | 2                        | 0                               | 0                           | 0                      | 0                           |
| 3  | 29                       | 0                               | 0                           | 0                      | 5                           |
| 4  | 34                       | 0                               | 0                           | 0                      | 0                           |
| 5  | 9                        | 0                               | 0                           | 2                      | 5                           |
| 6  | 38                       | 0                               | 1                           | 1                      | 2                           |
| 7  | 8                        | 0                               | 0                           | 0                      | 0                           |
| <i><b>Needles</b></i>  |                          |                                 |                             |                        |                             |
| 92   | 0                        | 0                               | 0                           | 0                      | 0                           |
| <i><b>Palm Springs</b></i>   |                          |                                 |                             |                        |                             |
| 2  | 20                       | 0                               | 0                           | 0                      | 0                           |
| <b>TOTAL</b>   | 150                      | 5                               | 1                           | 9                      | 14                          |

**c. Maintenance and Restoration Actions – Update from June 2016 Quarterly Report**

During this last quarter, over eight miles of heavy equipment route maintenance was completed within the Ridgecrest Subregion on RC 284 and RC 73.

BLM staff installed management area identification signs and trailhead signs in the Ridgecrest, Rands, Red Mountain and Sierra Subregions; repaired management area fence within the Cronese Lake and Juniper Flats Subregions; installed route signs in the Ridgecrest, Rand, Red Mountain, Sierra, Calico Mountains, Newberry/Rodman, Black Mountain, Cronese Lake, Harper Lake, Iron Mountain, and Kramer Hills Subregions; and installed Limited Use Area signs in the Juniper Flats and Calico Mountains Subregions.

Cultural resource inventories were completed in the Jawbone, Red Mountain, Searles, and Fremont Peak Subregions at proposed restoration and fire rehabilitation sites.

During this last quarter, a volunteer subgroup of the Juniper Flats Working Group held six work-days. The work completed included installation of route signs, barrier fence repair,

informational sign maintenance, light raking and vertical mulching, and trash cleanup within the Juniper Flats Subregion.

BLM staff, along with staff from the Transition Habitat Conservancy and Friends of Jawbone/El Mirage installed barrier fencing at an Off Highway Vehicle (OHV) staging area located in the Fremont Peak Subregion to protect the previously implemented route restoration work. Below are two photos depicting the “before and after” implementation of the barrier fencing and route restoration.



Before



After

The Friends of Jawbone staff continued to perform daily monitoring and rehabilitation of unauthorized routes on BLM-managed lands within the Jawbone Subregion, as well as ground operation and maintenance work, including signing, grading roads, and repairing structures that have been vandalized.

Three abandoned mine land (AML) features within the Rand Subregion were remediated by removing trash and backfilling. Two AML features were remediated within the Stoddard Valley Subregion by installation of bat gates. Below are two photos depicting the bat gate remediation of the AML site.



Before



After

## **2. Kiosks – Update from June 2016 Quarterly Report**

BLM continued to perform regular and ongoing maintenance of the information kiosks in the Red Mountain, Rands, Fremont Peak, Calico Mountains, Black Mountain, and Juniper Flats Subregions during this last quarter. These efforts included the replacement of Subregion maps, posting of notices, painting, plexiglass replacement, and placement of “You Are Here” stickers on the Subregion maps. BLM also installed a new kiosk in the Juniper Flats Subregion.

## **3. Status of Planning – Update from June 2016 Quarterly Report**

On August 12, 2016, BLM and Plaintiffs jointly filed a status report and stipulated motion for an order setting the schedule on BLM’s motion for enlargement of time for completing the revised California Desert Conservation Area (CDCA) Plan Amendment and OHV route designations for the WEMO planning area.

A Status Conference was held on August 18, 2016, and the Court directed the Parties to meet and confer on a time line and proposed interim resource protection measures prior to BLM filing an enlargement motion. Also on August 18, 2016, the Court issued an order setting the schedule for BLM’s motion for enlargement of time (September 15, 2016), Plaintiff’s cross-motion for interim resource protection measures and responses to the motion for enlargement of time (October 13, 2016), BLM’s response and reply (November 10, 2016), Plaintiffs’ reply (November 29, 2016) and hearing on BLM’s motion for enlargement (December 13, 2016).

In conformance with the Court’s direction at the conclusion of the August 18 status conference, the Parties conferred by conference call on September 8, 2016.

On September 15, 2016, BLM filed a Notice of Motion and Motion for Enlargement of Time to complete the revised CDCA Plan Amendment and OHV route designations for the WEMO planning area. The relief requested by the motion is an order providing that BLM: (1) publish the Notice of Availability (NOA) of the new Draft Supplemental Environmental Impact Statement (SEIS) and Draft Travel Management Plans (TMPs) by January 2018; (2) publish the NOA of the Final SEIS and Proposed TMPs by April 2019; and (3) issue the WEMO Plan Amendment Record of Decision (ROD) and TMP RODs by October 2019.

BLM continues Phase I (aerial map GIS review) for establishment of the ground-disturbance baseline for the WEMO planning area as described in the Record of Decision for the Desert Renewable Energy Conservation Plan issued on September 14, 2016. Phase II (field verification) for establishment of the ground-disturbance baseline commenced in August 2016 and is anticipated to be completed by June 2017.

On August 4, 2016, BLM issued a Draft Historic Properties Management Plan (HPMP) for a 45-day review and comment period which ended on September 19, 2016. BLM received two comment letters. Public comment was incorporated, as appropriate, and on September 30, 2016,

BLM submitted a Proposed Final HPMP to the California State Historic Preservation Office for concurrence by that Office.

Pursuant to the National Historic Preservation Act Section 106 Programmatic Agreement (PA) that was signed in September 2015, BLM held the third of three annual WEMO Consulting Parties meetings on September 14, 2016. In addition to providing the Consulting Parties an update on the WEMO PA implementation, the meeting provided another opportunity for comment on the Draft HPMP.

BLM continues field-testing of the archaeological resources Sensitivity Model using field crews to gather on-the-ground inventory data to cycle back into the model. During this last quarter, cultural resource inventory crews have surveyed an additional 1,489 acres, bringing the total field-testing in fiscal year 2016 to 5,060 acres.

#### **4. Chronology of Management Actions – Update from June 2016 Quarterly Report**

**July 6, 2016:** BLM and Plaintiffs conferred by conference call. The Parties discussed issues related to potential interim resource protection measures and schedule for completing the WEMO Plan Amendment and TMPs.

**July 23, 2016:** BLM hosted an Outreach Event in the Juniper Flats Subregion to educate the public on responsible recreation and resource protection. The United States Forest Service, Southern California Mountains Association and the Friends of Juniper Flats participated in this public event.

**August 3, 2016:** BLM and Plaintiffs conferred by conference call. During the course of the conferral, the Parties concluded that they were not going to be able to reach agreement on a proposed modified schedule for completing the WEMO Plan Amendment and TMPs or interim protection measures.

**August 4, 2016:** BLM issued a Draft Historic Properties Management Plan for a 45-day review and comment period.

**August 12, 2016:** BLM and Plaintiffs jointly filed a status report and stipulated motion for an order setting the schedule on BLM's motion for enlargement of time for completing the revised California Desert Conservation Area Plan Amendment and OHV route designations for the WEMO planning area.

**August 18, 2016:** A Status Conference was held before Magistrate Judge Nandor J. Vadas with Attorneys for BLM and Plaintiffs present. The Court directed the Parties to meet and confer on a time line and proposed interim resource protection measures prior to BLM filing an enlargement motion.

**August 18, 2016:** The Court granted the joint stipulated motion and issued a scheduling order continuing deadlines previously set for BLM to issue its FSEIS and proposed TMPs and publish

its ROD for the WEMO Plan Amendment, and set a briefing schedule for BLM's motion for enlargement of time. The hearing on BLM's motion for enlargement was initially scheduled to be held on December 13, 2016, in McKinleyville, California. (See last two entries below.)

**August 26, 2016:** The Ridgecrest Field Office hosted a resources training session for twelve Friends of Jawbone and Friends of El Mirage staff. The Outdoor Recreation Planner, Biologist, and Archaeologist provided training on policy and procedures related to route maintenance and restoration projects on BLM-administered lands.

**September 8, 2016:** BLM and Plaintiffs conferred by conference call. The Parties did not reach agreement on a time line for BLM's completion of the WEMO Plan Amendment and TMPs or on additional resource protection measures.

**September 14, 2016:** BLM hosted the third of three annual WEMO Consulting Parties meetings pursuant to the National Historic Preservation Act Section 106 Programmatic Agreement that was signed in September 2015.

**September 15, 2016:** BLM filed a Notice of Motion and Motion for Enlargement of Time to complete the revised CDCA Plan Amendment and OHV route designations for the WEMO planning area. The relief requested by the motion is an order providing that BLM: (1) publish the NOA of the new Draft SEIS and Draft TMPs by January 2018; (2) publish the NOA of the Final SEIS and Proposed TMPs by April 2019; and (3) issue the WEMO Plan Amendment ROD and TMP RODs by October 2019.

**September 20, 2016:** The hearing on BLM's motion for enlargement was reset to December 16, 2016 at 10:00 AM before Magistrate Judge Nandor J. Vadas.

**September 21, 2016:** The hearing on BLM's motion for enlargement that was scheduled for December 16, 2016 was vacated.