

California Native Plant Society

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Court Ruling Provides Relief in WEMO Case

SACRAMENTO- California Native Plant Society (CNPS), Center for Biological Diversity (CBD), Sierra Club and other organizations have received a long-awaited decision offering relief in the remedy phase of the Western Mojave Off-Highway Vehicle (WEMO) case.

The January 31st ruling is a follow-up to a 2009 decision in which Judge Illston (U.S. District Court for the Northern District of California) held that U.S. Bureau of Land Management (BLM) did not adhere to its own regulations and violated the National Environmental Policy Act and Federal Land Policy and Management Act in its 2006 Plan allowing Off-Highway Vehicle (OHV) use on thousands of miles of trails within the West Mojave planning area.

To correct BLM's incomplete and inadequate environmental analysis in the 2006 WEMO management plan, the Court remanded the WEMO in its order dated September 28, 2009, and ordered BLM to complete a new designation of OHV routes and conduct a new Environmental Impact Statement (EIS) and management plan.

Monday's remedy order established a date (March 31, 2014) by which BLM must comply with the 2009 decision, and ordered BLM to comply with additional remedies sought by CNPS and other plaintiffs to protect biological resources in the WEMO area between now and the 2014 deadline.

These remedies were sought out by plaintiffs as injunctive relief to BLM's failure to implement proper signing, monitoring, and enforcement conditions they should have completed already. This relief appropriately addresses BLM's defense that OHV damage to unusual plant assemblages, air quality, cultural resources, and riparian resources results from individuals' illegal OHV use. Key interim provisions include the following:

1. BLM must submit a detailed implementation plan for signing all open routes within 60 days, and must actually complete the signing with 180 days.
2. BLM was ordered to update all maps to include accurate and updated route information, so the public is made aware of legal and illegal OHV routes within 210 days.
3. BLM shall provide a monitoring and enforcement plan for all routes within 90 days.

The California desert supports many susceptible native plant communities in need of specific protection from OHV use. Impacts to unusual plant communities, special status plants, riparian areas, and other resources on public lands must be taken into account when federal agencies designate roads and trails for vehicle use. Tom Egan, Mojave Chapter Conservation Chair has had an active role in route designation in the Mojave Desert for over twenty years, and has worked closely with coalition partners in designing the relief granted by the Court.

Greg Suba, CNPS Conservation Program Director had this to say about the ruling, “CNPS looks forward to working with BLM to conserve the unusual plant assemblages and the proper functioning condition of riparian areas within the WEMO.”

“This order provides immediate vital, protections for the resources of the California deserts from expanded off-road vehicle use” said Lisa Belenky, a senior attorney with CBD. “The BLM has been ordered back to the drawing board on off-road vehicle route designations in the West Mojave to take into account the significant damage these vehicles cause to our public lands and the wildlife that depend on those lands to survive.”

Reports indicating the BLM’s progress in implementing these provisions will be provided to the Court on a quarterly basis and the Court is retaining jurisdiction in the event BLM fails to comply.

CNPS is pleased with the Court’s original and follow up rulings that hold BLM accountable for completing an environmental analysis that is consistent with State and Federal laws. We will be closely monitoring BLM’s response to the Court’s order. With a new environmental analysis, management plan, and set of protective measures in place, we expect to see OHV impacts on desert plant communities reduced.

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For more information on this ruling, desert conservation efforts, or CNPS, please contact:

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About CNPS: The California Native Plant Society, through its nearly 10,000 members and 33 regional chapters, has been working to represent the public’s interest in protecting California’s beautiful native plants and their habitats since 1965. Run by professional staff and volunteers, CNPS is a 501(c)3 organization active in promoting public education about native plants and the use of sound plant science in advocating for conservation of natural areas throughout the State of California. To learn more about CNPS, please visit our website: www.cnps.org.