

1 UNITED STATES DEPARTMENT OF THE INTERIOR
2 OFFICE OF HEARINGS AND APPEALS
3 BOARD OF LAND APPEALS

4)
5) IBLA Docket No. IBLA-2021-0313
6 FRIENDS OF THE NORTH COAST,)
7 DAVENPORT NORTH COAST ASSOCIATION,)
8 and RURAL BONNY DOON ASSOCIATION,)
9 Appellants.) DECLARATION OF
10) LISA ORTIZ
11) IN SUPPORT OF
12) MOTION FOR STAY
13)
14)

15 I, Lisa Ortiz, declare that the following excerpts from the Video of the RBDA Meeting
16 on March 16, 2022 are accurately transcribed below and I further declare as follows:

17 1. I am a resident of Santa Cruz County and Vice Chair of the Board of Directors of the
18 Rural Bonny Doon Association (RBDA).

19 2. One of my responsibilities for RBDA is to maintain the public video archives of RBDA
20 meetings.

21 3. At the March 16, 2022 meeting of the BRDA Board of Directors, BLM Field
22 Manager Ben Blom made a presentation to the Board.

23 4. At that meeting, Blom stated as follows:

24 Ben Blom: We've also received funding through the Great American Outdoors Act to
25 restore a historic site on the property. It's an old cheese barn that's located along Cement
26 Plant Road. So we just started a design contract to try to figure out what's feasible, what's
27 salvageable with that building that we would really like to turn into a living history center
28 on the property.

5. On the video record of that meeting, Blom's comments begin at the 9 minute/34
second mark and conclude about 20 seconds later.

6. At the same meeting there occurred an extended discussion about BLM's
obligation to carry out baseline monitoring on the Monument to document the status of
species and plant communities prior to introducing public use. Excerpts from that

1 discussion follow; parenthetical notations reflect the minute/second position of the
2 statement in the video record.

3 (39:04) Frans Lanting: Ben, if I may, I have a follow up question about monitoring. Does
4 BLM have plans in place for any baseline biological assessments prior to opening up the
5 property to public recreation? Because in my humble opinion, that needs to be part of the
6 process, because you can't really monitor the changes without knowing what is there right
7 now. What are your plans for doing that, and how can this be facilitated if that is not in
8 place yet?

9 (39:44) Ben Blom: So I think it depends on what you mean by baseline inventory. And
10 we've had this back and forth with Friends of North Coast about this for many months
11 now. We have developed a monitoring plan with the Coastal Commission and others. We
12 feel like that will give us a good baseline of information to move forward so that we can
13 determine before we go to phase two of development if we are successful in meeting the
14 objectives of the plan. Now should we be doing a baseline inventory of every species on
15 the property and how we would do that and what that would tell us? That's where I think
16 there's a bit of a disagreement here, because we feel like we could certainly do an
17 inventory and spend ten years inventorying every species on the property. But what is
18 that going to tell us in relation to our management? We're trying to balance the most
19 effective way to monitor with our desire to have more information, and we're certainly
20 open to having more science done on the property and doing studies on specific species.
21 If people have indicator species they want to study on the property, we're certainly open
22 to those opportunities. But the best ways to develop this adaptive management plan? I
23 think that's where there's some agreeing to disagree happening here between the BLM
24 and the Friends of the North Coast, and we tried to work with the Coastal Commission,
25 Fish and Wildlife Service, and all these other agencies to develop a plan that they agreed
26 with and that they approved with. We're trying to figure out the best balance here
27 between trying to understand everything about the property and also meeting our
28 commitment to have public access on the property, which is also something that we're
obligated to do. (41:28)

(41:43) Grey Hayes: Ben suggests that there's a demand for monitoring every species on
the property. I'm very concerned that there are a list of very specifically outlined Objects
of the Monument in the Proclamation, and they aren't every species. They're a very small
subset, and I think they must have been very wisely chosen as good indicators for
ecosystem health. It seems to me somebody did a brilliant job of informing the
Monument Proclamation in that way because they're common species, they're not rare
species, and it seems like you could easily monitor those species as indicators because
you'd have enough data fairly easily to notice if there were changes. And after all, they
are Objects of the Monument, and so one would think that they would be required to be
monitored, as the 6220 Manual suggests. (42:44)

(53:05) Frans Lanting: Ben, I'd like to kind of probe around in that issue one more time
because there's a historic process underway. Coast Dairies has been closed to the public
for close to a century, and it's about to open up. So I think there's a really unique

1 opportunity for a combination of volunteer naturalists, professional researchers, and other
2 volunteers to band together for the sake of gathering information, first for baseline use
3 and then for what you call adaptive management. And I've got to believe that there are
4 enough people and entities here in the community that would participate in it. You
5 mentioned previously that you referred to a couple of institutions, but what is your
6 process? Are you Proactive about this or are you waiting for people to knock on your
7 door? And if it is the latter, how could this be shaped in a more Proactive fashion so that
8 we can actually get something going before the gates open at Coast Dairies? (54:23)

9 (54:26) Ben Blom: So in terms of funding specific research questions, we have research
10 that happens all over our properties, all over the Central Coast, and usually it's related to
11 a specific research question. That a professor or graduate student comes up with and
12 approaches us with. And basically it needs to be a partnership, right? It needs to be a
13 question that a University is interested in studying and interested in funding a graduate
14 student for. But it also needs to be something that we're supportive and that wouldn't have
15 overdue impacts of itself on the property. it's not us going to them or them coming to
16 us. It's a partnership where we work together to identify kind of common interests and
17 common goals that we can work towards in terms of research questions. So it's not as
18 simple as us going to UC Santa Cruz or another entity and saying, we want you to study
19 this. It needs to be, like I said, a partnership. (56:03)

20 (1:16:57) Mary Flodin: Sorry, but I don't think you have addressed the whole concern
21 that many people have expressed that we need to have baseline data about the wildlife
22 before the park opens, and I don't think that's possible with a summer '22 opening. I feel
23 like you're just kind of not heard that. Many people have mentioned it this
24 evening.(1:17:18)

25 (1:17:21) Ben Blom: Yeah, I hear what you're saying, that there's this desire in the RBDA
26 that we need to do additional baseline monitoring of specific wildlife species or specific
27 measures. From our perspective. The plan was finalized in June 2021, and we're meeting
28 our obligations that the plan was approved by the Coastal Commission, US Fish and
Wildlife Service, National Marine Fisheries Service, all these entities. And we are
starting monitoring. But we don't feel like some of these research questions that are being
asked, how is trail development going to impact the Grasshopper Sparrow? That's really
interesting information that we would love to have, but it's not necessarily a prerequisite
before we would open the property to the public. And that's where we, I think, are going
to have to agree to disagree tonight about what is required before we can open the
property of the public. We have an obligation to open the property to the public, just like
we have an obligation to manage and protect the resources of the property. And so we
have to meet both of those commitments. And so we've done a little bit of looking at
what Friends of the North Coast has requested in terms of monitoring. We were talking
the magnitude of millions of dollars just focused on a monitoring program for the
property and many years of data collection before you would have an effective baseline
inventory of the 42 species that are included in the Proclamation for the property. So our

annual budget for our whole field office and all the counties that we manage is less than \$3 million. So that just gives you a sense of where this agreeing to disagree. We feel like in the way we design the plan, we're minimizing impacts to wildlife, and a better approach to doing that is to do it from the beginning. As opposed to trying to establish studies to detect an impact, the better way to do it is to avoid impacts in the first place. And so we hang our hat on the way we developed the plan, including with the phased approach that we've taken to try to minimize and avoid impacts, as opposed to trying to establish multiple years of baseline monitoring of individual species on the property to develop individual carrying capacities for each of those species. We don't feel like that's actually a feasible approach to managing this property. (1:19:47)

(1:19:48) Jacob Pollock: So, Ben, you vastly overstated the amount of money and the amount of time that FONC has asked you to monitor. I just want you to be aware of that. You have a responsibility to the public to open up. You have an equal responsibility to ensure that these things aren't destroyed, the Objects [of the Monument]. Simply saying you're going to try to do something, you need to look and see if you're doing it. You've got to have feedback. You got to know what you're doing. You can't just say we tried in the beginning to do something well and cross our fingers. You've got to know what you're doing. You've got to have feedback. You can't just say we tried in the beginning to do something well and cross our fingers. (1:20:17)

(1:23:12) Ben Blom: So we have priced out what it would cost to establish a wildlife camera monitoring program that would generate statistically significant data across both our property and the San Vicente Redwoods property. And we've been trying to get funding for that with **Sempervirens Fund** to pay for that. We price that out at half a million dollars. You can see numbers, okay, you can look at the numbers, but you can get presence/absence data on wildlife by setting up a smaller array of cameras. But our biologists have looked into it, and it's a big effort involving a lot of cameras in order to get statistically significant information on that. And then how you use that data to feedback in terms of some sort of a carrying capacity number is also something that is not as simple to develop as it would seem. (1:24:10)

(1:24:51) Frans Lanting: Hey, Ben, if your own calculations are that this monitoring effort would cost \$500,000 or more, it seems to me like a no brainer for you to have a follow up conversation with Jacob if he has a proposition that comes in at a fraction of the cost. And I've got to believe that whatever you could work out together would be supported by other people, including several people who are present in this meeting right now. And I just want to say one more time that this is a historic opportunity. All the other publicly protected properties on the North Coast have seen major incursions from recreational use over the last couple of decades. Here is a unique case study, and I really would like the BLM to step up to the plate in a way that is commensurate with the opportunity and the responsibility. This isn't just any BLM property. This is Conservation Land status property that has been elevated to National Monument status. And I really think that as a parallel to the significant investment that is being made in trail development, that we need to see something as a parallel to that to invest in the natural resources. And I'm sorry, but I haven't heard anything yet in this conversation this evening that shows that you're willing to make a step forward to meet some of the people here halfway. (1:26:34)

I declare under penalty of perjury that the foregoing is true and correct. Executed on May 10, 2022.


Lisa Ortiz, Declarant

1 **PROOF OF SERVICE**

2 I, Toyer Grear, declare as follows:

3 I am a resident of the State of California, and employed in Oakland, California. I am over the age
4 of 18 years and am not a party to the above-entitled action. My business address is 1939 Harrison Street,
5 Suite 150 Oakland, CA 94612. On May 11, 2022, I served a copy of the following documents:

- 6 • Declaration of Lisa Ortiz in Support of Motion to Stay

7 By electronically e-mailing a true and correct copy to the e-mail addresses set forth below.

8

9 United States Department of the Interior Office of Hearings and Appeals Interior Board of Land Appeals 801 N. Quincy St., Suite 300 Arlington, VA 22203 ibla@oha.doi.gov	Erica Anderson, Attorney-Advisor Office of the Regional Solicitor Pacific Southwest Region U.S. Department of the Interior 2800 Cottage Way, Room E-1712 Sacramento, CA 95825-1890 erica.anderson@sol.doi.gov
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12
13 By enclosing the documents in an envelope provided by an overnight delivery carrier and
14 addressed to the persons listed below and placing the envelope for collection and
15 overnight delivery at an office or a regularly utilized drop box of the overnight delivery
carrier

16

17 BLM California State Director 2800 Cottage Way, W1623 Sacramento, CA 95825	Office of the Regional Solicitor Pacific Southwest Region U.S. Department of the Interior 2800 Cottage Way, Room E-1712 Sacramento, CA 95825-1890
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19 I declare under penalty of perjury (under the laws of the State of California) that the foregoing
20 is true and correct, and that this declaration was executed May 11, 2022 at Oakland, California.

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22 
23 _____
Toyer Grear