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16 *Counsel for Defendants*

17 UNITED STATES DISTRICT COURT  
 18 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 19 OAKLAND DIVISION

20 STATE OF CALIFORNIA, *et al.*,

21 Plaintiffs,

22 v.

23 DAVID BERNHARDT, *et al.*,

24 Defendants.

No. 4:18-cv-05712-YGR

(Consolidated With Case No. 4:18-cv-05984-YGR)

**DEFENDANTS' SECOND REPORT ON  
THE COMPLIANCE PROCESS FOR  
THE 2016 WASTE PREVENTION RULE**

1 In this Court’s July 15, 2020 Order: (1) Granting Plaintiffs’ Motions for Summary  
2 Judgment; and (2) Denying Defendants’ Motions for Summary Judgment, the Court ordered that  
3 “[u]nless, and until, steps are taken to revive the challenge to the Waste Prevention Rule,  
4 and its implementation is otherwise enjoined,” the Bureau of Land Management (“BLM”) “shall  
5 within thirty (30) days of this Order provide the Court with a report detailing the anticipated  
6 compliance process with” the 2016 Waste Prevention Rule, “including a declaration by the  
7 agency official who is responsible for effectuating the same and is identified as the most  
8 knowledgeable person on the topic.” ECF No. 177 at 56. “BLM shall provide additional  
9 updates thirty (30) and sixty (60) days thereafter.” *Id.*

10 Defendants filed their first report pursuant to the Order on August 14, 2020. ECF No.  
11 178. They now provide the attached declaration of Donna B. Dixon, Division Chief, Division of  
12 Fluid Minerals, in the Energy, Minerals, and Realty Management Directorate of BLM, in support  
13 of this second report.

14 Separately, as noted in Defendants’ prior report, on July 21, 2020, the District Court for  
15 the District of Wyoming lifted the stay of the litigation challenging the 2016 Rule, and ordered  
16 the completion of merits briefing by September 4, 2020. *Wyoming v. U.S. Dep’t of the Interior*,  
17 No. 2:16-cv-285-SWS (D. Wyo. July 21, 2020), Dkt. No. 274. Federal Respondents filed their  
18 supplemental response brief on August 18, 2020. *Id.*, Dkt. No. 278. In that brief, Federal  
19 Respondents confessed error on certain aspects of the 2016 Rule and sought vacatur of many  
20 provisions of the 2016 Rule. *Id.*

21 Respectfully submitted this 14th day of September, 2020.

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