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9 UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF CALIFORNIA
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12 AMY GRANAT; CORKY LAZZARINO; SIERRA)
ACCESS COALITION; CALIFORNIA OFF-ROAD)
13 VEHICLE ASSOCIATION; THE COUNTY OF)
PLUMAS; and THE COUNTY OF BUTTE,)

14 Plaintiffs,)
15)

16 v.)

17 UNITED STATES DEPARTMENT OF)
AGRICULTURE, a federal agency; TOM VILSACK,)
in his official capacity as Secretary of the UNITED)
18 STATES DEPARTMENT OF AGRICULTURE;)
UNITED STATES FOREST SERVICE, a federal)
19 agency; THOMAS L. TIDWELL, in his official)
capacity as Chief of the UNITED STATES FOREST)
20 SERVICE; RANDY MOORE, in his official capacity)
as PACIFIC SOUTHWEST REGIONAL FORESTER;)
21 ALICE CARLTON, in her official capacity as the)
former PLUMAS NATIONAL FOREST)
22 SUPERVISOR; and EARL FORD, in his official)
capacity as PLUMAS NATIONAL FOREST)
23 SUPERVISOR,)

24 Defendants.)
25)
26)
27)
28)

No. 2:15-cv-00605-MCE-DAD

**DECLARATION OF
CORKY LAZZARINO
IN SUPPORT OF
PLAINTIFFS' MOTION
TO FILE A SUR-REPLY**

Date: July 9, 2015
Time: 2:00 p.m.
Courtroom: 7, 14th Floor
Judge: Hon. Morrison C. England, Jr.

1 I, Corky Lazzarino, hereby declare as follows:

2 1. I have personal knowledge of the following facts and, if called upon to do so, could
3 competently testify thereto under oath. As to those matters which reflect a matter of opinion, they
4 reflect my personal opinion and judgment upon the matter.

5 2. I am the Executive Director as well as a member of the Sierra Access Coalition, and
6 I am authorized to sign this declaration on its behalf and on behalf of its members.

7 3. I worked for the United States Forest Service (the "Forest Service") from 1976 - 2009
8 as an Engineering Tech, and I am familiar with the procedures used by the Forest Service in
9 responding to requests for information made under the Freedom of Information Act ("FOIA").

10 4. Sierra Access Coalition is a regional group composed of more than 1,450 individuals,
11 user groups, and local businesses that work to protect access to public lands for a multitude of
12 diverse uses including cutting and retrieving firewood, hunting, fishing, camping, hiking, viewing
13 wildlife and plants, rockhounding, horseback riding, driving jeeps and trucks, riding bicycles,
14 motorcycles, and other recreational and aesthetic activities.

15 5. Members of Sierra Access Coalition have enjoyed, and hope for themselves and future
16 generations to enjoy, a variety of recreational, aesthetic, and commercial activities within Plumas
17 National Forest.

18 6. In her email to me dated October 28, 2010, Alice B. Carlton, Forest Supervisor of
19 Plumas National Forest, stated, "Corky, I don't have an answer for you about when you'll get the
20 information. I can tell you though that I have brought up the situation to the Deputy Regional
21 Forester and told them that the public is not being served by the current FOIA process." A copy
22 of the email is attached as Exhibit A. The subject matter of this FOIA request was off-road vehicle
23 travel in Plumas National Forest.

24 7. In her email to me dated October 26, 2010, which was part of the same email thread
25 as described in Paragraph 6 hereof, Ms. Elizabeth A. Schramel (nee Taylor), who sometimes goes
26 by the name "Lee Ann," stated, "I have been advised by the Regional Office FOIA Coordinator that
27 your request is backlogged; I was not given a date when it might be released." A copy of the email
28 is attached as Exhibit B.

1 8. In my email dated February 28, 2012, which I sent to myself for the record, I stated,
2 “We met with Laurence Crabtree [formerly Deputy Forest Supervisor for Plumas National Forest]
3 on 1/23/12 before our dispersed camping meeting. I brought up several issues. One was the lack
4 of response I’m getting on FOIAs. He said he was surprised that I hadn’t gotten the Sly Creek
5 FOIA because he had it several weeks ago, and he said he would get it to me immediately. As of
6 [February 28, 2012], I still have not received the FOIA response.” A copy of the email is attached
7 as Exhibit C. The first time we received the relevant information was as a part of the Schramel
8 declaration filed in this lawsuit.

9 9. On July 6, 2012, I sent an email to Ms. Schramel stating, “SAC currently has 5
10 outstanding FOIAs. I haven’t received a response on any of them. The highest priority one at the
11 moment is the Meadow Camp NEPA request. Do you know when I can expect a response to that?”
12 Ms. Schramel responded by email dated July 6, 2012, stating, “Hi Corky: The Meadow Camp
13 should be to you next week. I am working on consolidating a response to the others as you’ve
14 received most of the responsive documents already.” In fact, to this date I never received a
15 response on the Meadow Camp FOIA request. Moreover, the first time I received a response
16 regarding what Ms. Schramel refers to as the “consolidated documents,” was in an exhibit to her
17 declaration filed in connection with this lawsuit. A copy of the relevant email correspondence is
18 attached as Exhibit D.

19 10. In early 2013, I was in a Plumas County Coordinating Council meeting with then-
20 Deputy Forest Supervisor Laurence Crabtree and after the meeting we had a side conversation
21 about the fact that Sierra Access Coalition had 5 outstanding FOIAs. He said he would look into
22 it, but to this day I have not received a response. I searched for but could not find documentation
23 regarding the informal meeting.

24 11. On August 2, 2014, I sent an email to Ms. Schramel stating, “SAC also has an
25 outstanding FOIA for Lake Davis Project documents dated 6/16/14. We never got a response to
26 our request.” A copy of the email is attached as Exhibit E. To this day we have not received a
27 response to the FOIA request for the Lake Davis project.

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1 12. On April 19, 2015, I sent an email to Ms. Schramel stating, “It’s been one year since
2 this FOIA request was submitted. Can you please update us on the status of our request?” This
3 email was in connection with the Lake Davis FOIA request. On April 24, 2015, Ms. Schramel
4 responded by email, “I am currently working on your April 17 FOIA and a travel management
5 litigation report. I will return to working on this FOIA when I have completed those tasks.” A
6 copy of the email correspondence is attached as Exhibit F. As set forth in Paragraph 11 hereof, to
7 this day, I have not received an answer to this FOIA request.

8 I declare under penalty of perjury that the foregoing is true and correct, to the best of my
9 knowledge, and that this declaration was executed this ____ day of July, 2015, at
10 _____, California.

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13 _____
14 CORKY LAZZARINO
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