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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
10 SACRAMENTO DIVISION
11

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12 AMY GRANAT, CORKY LAZZARINO,
SIERRA ACCESS COALITION;
13 CALIFORNIA OFF-ROAD VEHICLE
ASSOCIATION; THE COUNTY OF
14 PLUMAS; and THE COUNTY OF BUTTE,

15 Plaintiffs,

16 v.

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

25 Defendants.
26
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28

No. 2:15-cv-00605-MCE-EFB (TEMP)

**DECLARATION
OF AMY GRANAT
IN SUPPORT OF PLAINTIFFS'
MOTION FOR SUMMARY JUDGMENT**

Date: July 21, 2016
Time: 2:00 p.m.
Courtroom: 7, 14th Floor
Judge Hon. Morrison C. England, Jr.

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1 I, AMY GRANAT, 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 Managing Director of the California Off-Road Vehicle Association
6 ("CORVA" or "Association"), a statewide nonprofit California corporation with approximately
7 3,000 members comprising individuals and organizations throughout California. CORVA
8 advocates for responsible recreation on public lands, promotes community involvement in the land
9 use planning process, and maintains an educational program for responsible outdoor recreation.
10 Association members have provided thousands of volunteer man hours maintaining Plumas
11 National Forest unclassified trails and roads.

12 3. As Managing Director of CORVA my primary responsibilities entail working with
13 federal and state land management agencies and reviewing opportunities for access on public land
14 for all forms of motorized recreation. CORVA has always considered access to public land to be
15 its primary mission, encapsulated the phrase: "Keeping Public Land Open for the People, Not from
16 the People." Therefore when the Forest Service began to undergo analysis for the Travel
17 Management Rule throughout the forests in California, my primary task became reviewing and
18 commenting on Travel Management documents for as many forests in California as possible. It
19 quickly became clear that each forest was progressing at a different speed and with a different
20 intent, and it was most troublesome that the Plumas National Forest had undertaken this task with
21 the least amount of foreknowledge and forethought. The methodology behind the analysis was
22 faulty, and after advising my Board of Directors of my grave concern, I was asked to spend as much
23 time as possible on issues related to the analysis of motorized travel on the Plumas National Forest.
24 Because I immediately identified inconsistencies in the analysis for the Plumas National Forest,
25 I proceeded to spend hundreds of hours sifting through documentation, reviewing road and trail
26 networks, trying to understand why the Forest Service apparently perceived the Travel Management
27 Rule as a mandate for closure, instead of a mandate for analysis for future motorized travel.
28 CORVA identified the Plumas National Forest Travel Management Rule as the most important and

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1 influential process that would affect the nature of motorized travel throughout the forests in
2 California because it represented a complete change in the way forests would be managed from that
3 point forward. For up to 100 years in national forests, travel for motorized vehicles was open on
4 all roads and trails, as well as through cross-country travel, unless specially prohibited. But the
5 Forest Service determined and declared after the Travel Management analysis was complete, all
6 forests in California would be closed to motorized travel except for roads specifically *designated*
7 on a map—the Motor Vehicle Use Map. Roads no longer would have to be signed as open or
8 closed, and someone found on the wrong road at the wrong time because of a misinterpretation of
9 a notation on a map could be fined to the tune of thousands of dollars. CORVA found this
10 unconscionable, and advised me to spend as much time as possible on this issue because of the
11 grave miscarriage of justice we perceived.

12 4. This work required me to spend less time working on other CORVA business,
13 thereby shifting resources from working with federal and state agencies to encourage motorized
14 access to public lands other than Plumas National Forest. As a result, CORVA was injured because
15 other important business of the organization could not be adequately addressed. Specifically, when
16 the egregious nature of the errors in the analysis for the Plumas National Forest became known, I
17 was forced to devote much of my time to research and documentation in order to submit
18 substantive comments on the National Environmental Policy Act (“NEPA”) documents released
19 by the Plumas National Forest. Because the majority of CORVA’s members and the majority of
20 off-road opportunities exist in Southern California, including desert sand dune areas, most of
21 CORVA’s resources including my time and efforts, had been aimed toward issues in those areas.
22 However once the analysis for the Plumas National Forest started in earnest it became clear that
23 those issues in some cases would have to sit on the back burner while I worked on the Plumas
24 National Forest Travel Management Plan. CORVA called in a NEPA consultant to work on
25 substantive comments along with me and paid for her efforts. Her bill for assistance with the
26 development of comments for submittal to the Plumas National Forest was \$1,300, paid from
27 CORVA’s budget. This had not been an amount previously budgeted, and due to economic
28 difficulties of the time, this represented a hardship for CORVA’s overall budget. In addition,

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1 CORVA paid for legal assistance in the amount of \$1,000 to review NEPA documents to
2 investigate what we believed to be legal irregularities. CORVA did not engage legal representation
3 to review other forests going through Travel Management plans. Money therefore allocated toward
4 the process at Plumas National Forest significantly reduced the amount of money that could be
5 allocated to other issues and problems in CORVA's area of concentration in Southern California.

6 5. CORVA also recognized that educating as many motorized vehicle enthusiasts as
7 possible on the ways in which they could interact with the forests undergoing Travel Management
8 analyses could be one key to retaining access to important roads and trails. Along with two other
9 CORVA Board of Directors' members, I started teaching classes on NEPA. Educating enthusiasts
10 on the ins and outs of NEPA enabled them to submit substantive comments whenever and
11 wherever possible, to the best of their ability. One of the very first Comments Project classes was
12 dedicated to issues facing enthusiasts in Northern California due to the Travel Management Rule.
13 Individuals came to learn and ask questions, and this is one of the ways we became informed on
14 the seriousness of the discrepancies and the gaps in the Plumas National Forest analysis. The
15 CORVA Comments Project, as these classes became known, has educated almost 600 motorized
16 recreation and off-road vehicle enthusiasts about NEPA. The NEPA course study is rigorous, we
17 are proud of the progress we have made, and the substantive comments that have been submitted
18 as a result. The CORVA Comments Project is but one example of the on-the-ground advocacy that
19 CORVA has engaged in for over 46 years.

20 6. The history of CORVA points to many instances of working toward the public good
21 by preserving and protecting opportunities for motorized travel. CORVA was incorporated in
22 1969, and since that time the organization has had a long and proud history defending off-road
23 access via motorized vehicles throughout the State of California. The history of CORVA includes
24 assistance in passing the legislation to create the Off-Highway Motorized Vehicle Recreation
25 Commission as part of the California Department of Parks and Recreation, and CORVA is
26 considered by many as the most dynamic and active advocacy group defending motorized access
27 through our relationships with federal agency land managers such as the Forest Service and Bureau
28 of Land Management. The founders of CORVA have been inducted into the Off-Road Motorsports

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1 Hall of Fame and the American Motorcyclist Association Motorcycle Museum Hall of Fame, and
2 one of those founders received the National Off Highway Vehicle Conservation Council
3 Perseverance Award.

4 7. Members of California Off-Road Vehicle Association, myself included, have
5 enjoyed, and hope for themselves and future generations to enjoy, a variety of recreational,
6 aesthetic, and commercial activities within Plumas National Forest. These activities include riding
7 off-road vehicles and motorcycles, driving jeeps and trucks, hunting, fishing, camping, hiking,
8 viewing wildlife and plants, rockhounding, photography, cutting firewood, and travel associated
9 with and necessary to such activities via motorized vehicles. Members, including myself, have
10 enjoyed in the past, and have concrete plans to enjoy in the future should they again be authorized,
11 numerous activities prohibited by the Plumas National Forest Record of Decision and Final
12 Environmental Impact Statement, including motorized recreation on unclassified existing roads and
13 trails that have not been designated by the Forest Service in the Travel Management Plan. Should
14 those routes be made legally available once again for motorized travel, CORVA members have
15 concrete plans to use such routes to access and enjoy diverse parts of Plumas National Forest for
16 the purposes stated in this paragraph.

17 8. Plaintiff CORVA, as an organization and through individual members, attended
18 public meetings regarding Motorized Travel Management, submitted detailed comments and
19 objections to the Draft Environmental Impacts Statements, and otherwise participated in the
20 process that generated the Record of Decision and Final Environmental Impact Statement. The
21 vast majority of CORVA's resources consist of volunteers who dedicate their free time to assist
22 with issues pertaining to land use management. Irregularities in the analysis for the Plumas
23 National Forest caused a number of our volunteers to devote many hours of time, otherwise spent
24 in more pleasant pursuits, to help analyze these documents. They also met with officials from the
25 Plumas National Forest, and personally went out on field trips to examine roads and trails proposed
26 by the Forest Service for closure. Individuals utilized fellow members, and in some cases family
27 members, to travel throughout the Forest bringing information to Forest Service employees tasked
28 with working on the Travel Management analysis. Hundreds if not thousands of hours were

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1 expended to gather that information and advise the Forest Service officials. In the process,
2 CORVA members requested numerous meetings, only some of which were reluctantly granted by
3 the Forest Service.

4 9. CORVA submitted comments to the Plumas National Forest (“Plumas Travel
5 Management DEIS” March 12, 2009), divided into major categories including: unsubstantiated
6 analyses; lack of consideration for public’s need/desire for travel access, lack of cumulative effects
7 analysis for the proposed loss of 50% - 75% of existing roads and trails; lack of sufficient
8 alternatives; misrepresentation of CEQ regulations; misapplied scientific justification;
9 pre-decisional conclusions; misrepresentation of current conditions; and conclusions applied to
10 reach predetermined goals. After careful analysis and research documentation, these allegations
11 were not made lightly—and each one of the objections is fully explored and explained in the
12 comments submitted by CORVA. We chose these specific objections to the DEIS because in every
13 case we found that the Forest Service neglected to consider the effect to the “human environment.”
14 There is a complete lack of acknowledgment of the historical use patterns in which local residents
15 and visitors alike use the forest and the expectation borne of over 100 years of relationship between
16 the forest and local communities. Forests do not exist apart of local communities, rather they are
17 an integral component of rural communities enhancing rural life and bringing visitors and
18 economic prosperity to rural areas. These issues are either not addressed at all or addressed only
19 on the most superficial level in the Draft Environmental Impact Statement released by the Plumas
20 National Forest. The misrepresentation of existing on-the-ground conditions and misrepresentation
21 of scientific studies is particularly troublesome to the members of CORVA, including myself.

22 10. Many of the comments made by CORVA or its members on the Draft
23 Environmental Impact Statement were either ignored or given short shrift by the Forest Service as
24 the Service developed the Final Environmental Impact Statement and Record of Decision.

25 11. Following the issuance of the Final Environmental Impact Statement and Record
26 of Decision for the Plumas National Forest Travel Management Plan, Plaintiffs Sierra Access
27 Coalition (“SAC”) and CORVA filed a joint administrative appeal on or about December 26, 2010,
28 with the Regional Forester Randy Moore, “Appeal of Plumas National Forest Public Motorized

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1 Travel Management Record of Decision and Final Environmental Impact Statement,” dated
2 December 26, 2010, which was mutually authored by the Board of Directors of CORVA and the
3 Steering Committee of Sierra Access Coalition.

4 12. Many hours were spent by representatives of SAC and CORVA, including myself,
5 determining to what extent the Forest Service failed to adequately consider or change the proposed
6 action set forth in the Draft Environmental Impact Statement in response to our comments. All
7 involved considered the agency responses woefully inadequate and full of disregard for the issues
8 directly affecting the forest-going public the organizations represent. In consultation with legal
9 advisors, the joint appeal was submitted to the Plumas National Forest illustrating the most
10 troublesome aspects of the Record of Decision and Final Environmental Impact Statement, along
11 with remedies that could have easily been adopted to address the objections.

12 13. The appeal was written in a collaborative fashion. As Managing Director of
13 CORVA, I was part of the team researching, writing, and reviewing the components of the appeal.
14 Particularly, since this appeal was due the day after Christmas Day, much time was spent away
15 from family and celebrations for what may be considered unfortunate timing of the appeal due date.
16 Although the Final Environmental Impact Statement/Record of Decision could have been issued
17 at any time within the December - January period, I believe the date of the publication was chosen
18 by the Forest Service so the due date of the appeal would fall during the Christmas holidays, on the
19 day after Christmas itself. This made it that much more difficult for members of the public to
20 submit meaningful appeals, disrupted family gathering holiday plans, and took away from the
21 enjoyment of the Christmas holiday. Much of material in the joint appeal was geared to concretely
22 explain the detrimental affect the decision would have on local communities, and much analysis
23 was undertaken.

24 14. As a result of the actions of the Forest Service, CORVA and its members, including
25 myself, have been and continue to be adversely affected and injured, as set forth above.

26 15. As an individual Plaintiff in this case, it is appropriate for me to describe also the
27 personal injury I have suffered as a result of the Forest Service’s action. I have an autoimmune
28 disease known as *pemphigus vulgaris*, which required me to undergo chemotherapy from January

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1 of 2001 until June of 2006, causing infections in my legs and limiting my ability to walk. As a
2 disabled person, I use multiple forms of motorized recreation to enjoy a myriad of activities in
3 Plumas National Forest. The ability to access areas in the back-country has been a key part of my
4 medical rehabilitation, and has additionally contributed to my overall sense of well-being. I have
5 been visiting Plumas National Forest for many years since 2001, when a close friend purchased
6 property in the area, invited my family to visit, and we became enamored of the beauty of the
7 Forest, enjoying the freedom that motorized access gives me. Camping, fishing, and viewing
8 wildlife in Plumas National Forest have been very important priorities for me and have been my
9 principal ways of spending quality time with my children.

10 16. Because of my walking disability, I am now foreclosed from accessing the parts of
11 Plumas National Forest that were accessible to me only by motor vehicle in the past. In the
12 Genessee Valley area up Ward Creek there are several mine sites I enjoyed exploring. These
13 unclassified routes, previously opened but now closed routes, include U5301, U5302, U5304,
14 U78-1, U7802, U7803, U7804. Also, access to the historic Shoofly Bridge was eliminated. This
15 bridge is the oldest iron bridge in California, constructed in 1889 and is a point of historical interest
16 that is no longer available for me to visit, since all road access has been eliminated, and the route
17 is very difficult and steep for those with mobility issues to ambulate. Also, of particular interest
18 to me are the roads to Pineleaf Mine near Meadow Valley; U5718 and U5719. It is my
19 understanding that none of the routes set forth in this paragraph received any on-site review or
20 analysis regarding the impact of closure on the human environment.

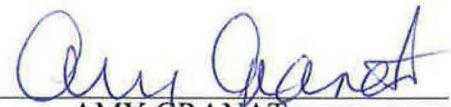
21 17. I cannot access those areas on crutches, by wheelchair, by cane, or by using braces
22 on my legs, even with the help of my long-time service dog, Tucker. My personal enjoyment of
23 the Plumas National Forest was contingent on the enjoyment of a sense of freedom otherwise
24 unavailable to me as a disabled individual that must concentrate on every step taken. Now, with
25 so many routes closed in the forest without signage and only a map with squiggly lines to guide my
26 travel, it is impossible to enjoy that freedom. I feel a keen sense of loss because I can no longer
27 experience the joy of my former motorized travel in the Forest. I am limited to the same routes
28 over and over which have all seen an increase in travel, because the same number of motorized

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1 travel enthusiasts are now limited to an ever-decreasing number of trails. It is impossible to
2 measure the sadness that accompanies the loss of freedom as a disabled person coupled with the
3 knowledge that at no point did the Forest Service exhibit to me any consideration regarding
4 motorized access to the Forest by a disabled person. Indeed, I feel that my concerns were treated
5 with disdain.

6 18. Because of the Forest Service's action, I am no longer able to legally use the
7 unclassified routes set forth in Paragraph 16 of this declaration, as well as many other routes that
8 have been closed in Plumas National Forest for motorized travel and the elimination of much of
9 the motorized access to remote areas of the forest, thereby depriving me of the pleasures afforded
10 by some of my favorite parts of the Forest. For example, I can no longer access Crystal Lake, a
11 beautiful and scenic high mountain lake via closed route U7255, because the trail to the lake is
12 steep and composed of difficult terrain. This lake is an iconic fixture for Plumas County in an area
13 north of Quincy, due to its scenic quality. Another route I enjoyed is closed route U7255, which
14 accessed the 2nd Snake Tree near Squaw Valley. The Forest Service promised to mitigate this
15 route and keep it open for public route, but the agency never followed through on this commitment
16 and the Record of Decision did not approve or authorize this route. The closure of these routes and
17 many others in the decision was emotionally traumatic, and served to emphasize the extent of my
18 physical disability, and caused me great mental grief. Being disabled and navigating the difficulties
19 of everyday life can be hard, but a trip into the mountains oftentimes served to ease my soul and
20 help me forget my disability, at least for a while. Because of the extreme nature of the closures in
21 the Travel Management Plan for the Plumas National Forest my ability to transcend the tribulations
22 has been irrevocably taken away.

23 I declare under penalty of perjury that the foregoing is true and correct, to the best of my
24 knowledge, and that this declaration was executed this 22 day of March, 2016,
25 at SACRAMENTO, California.

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27 AMY GRANAT
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CERTIFICATE OF SERVICE

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I hereby certify that on March 30, 2016, I electronically filed the foregoing with the Clerk of the Court for the United States District Court for the Eastern District of California by using the court's CM/ECF system.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the Eastern District Court's CM/ECF system.

/s/THEODORE HADZI-ANTICH
THEODORE HADZI-ANTICH

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