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

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;)
20 THOMAS L. TIDWELL, in his official)
capacity as Chief of the UNITED STATES)
21 FOREST SERVICE; RANDY MOORE, in his)
official capacity as PACIFIC SOUTHWEST)
22 REGIONAL FORESTER; ALICE CARLTON,)
in her official capacity as the former PLUMAS)
23 NATIONAL FOREST SUPERVISOR; AND)
EARL FORD, in his official capacity as)
24 PLUMAS NATIONAL FOREST)
SUPERVISOR,)

25 Defendants.)
26
27
28

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

**DECLARATION OF
ROBERT ARMAND PERREAULT, JR.,
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, ROBERT ARMAND PERREAULT, JR., 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 Director of Public Works of Plumas County, which is a political
6 subdivision of the State of California. In conjunction with my duties as Director of Public Works,
7 I am also the Plumas County Road Commissioner and the County Engineer. I am licensed as a
8 Professional Engineer by the State of California.

9 3. I have been authorized by the Board of Supervisors of Plumas County to prepare
10 and sign this declaration on behalf of Plumas County.

11 4. Approximately 975,000 acres of Plumas National Forest are located within Plumas
12 County.

13 5. Citizens of Plumas County have enjoyed, and hope for themselves and future
14 generations to enjoy, a variety of recreational, aesthetic, and commercial activities within Plumas
15 National Forest. These activities include, but are not limited to, riding off-road vehicles including
16 motorized wheeled vehicles (OHV), motorized over-snow vehicles (OSV), and motorcycles,
17 driving jeeps and trucks, hunting, fishing, camping, hiking, viewing wildlife and plants,
18 rockhounding, photography, cutting firewood, and travel associated with and necessary to such
19 activities via motorized vehicles. Because of the Forest Service's action, the citizens of Plumas
20 County will no longer be able to enjoy many classified and unclassified routes for those purposes
21 because the routes have been closed.

22 6. Many citizens of the County are dependent on revenue associated with recreational
23 visitation to Plumas National Forest. Revenues from tourism attracted by the formerly open
24 unclassified routes are and will continue to be lost to County residents, and the County itself has
25 lost and will continue to lose tax and fee revenues as a result. In addition, the loss of logging road
26 infrastructure will adversely impact the economy of Plumas County.

27 7. Plumas County participated extensively in commenting on the Draft Environmental
28 Impact Statement ("DEIS") issued by the Forest Service for Plumas National Forest. I personally

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1 participated in the process on behalf of the County by providing detailed comments throughout the
2 process. Because of the Forest Service’s refusal and/or failure to “coordinate” with Plumas County
3 during the process, I was forced to devote an extraordinary amount of time to ensuring that the
4 concerns of Plumas County were included in the record. This time commitment took me away
5 from concentrating on other important County matters, to the detriment of other County business,
6 thereby directly injuring Plumas County as a government organization.

7 8. Plumas County’s comments on the Draft Environmental Impact Statement voiced
8 numerous objections to the Forest Service’s proposal, including that the Forest Service failed to
9 “coordinate” with the County. These comments included PLU-E-000014 through PLU-E-000017.

10 9. Concurrent with Forest Service motorized travel management planning, Plumas
11 County developed an ordinance allowing usage of so-called “green sticker” off-road vehicles on
12 county roads, in accordance with the California Motor Vehicle Code. The Forest Service stated
13 that Recreation Use Maps would incorporate this information to help identify off-road vehicles
14 riding opportunities, but this was not done. The Forest Service’s failure undercuts the County’s
15 “green sticker” program. Now, having a “green sticker” is not nearly as valuable in identifying
16 recreational opportunities as it could have been had the Forest Service incorporated the County’s
17 “green sticker” information into its Recreation Use Maps.

18 10. On October 21, 2008, the Plumas County Board of Supervisors adopted Resolution
19 08-7514 to implement Coordinated Agency Status in accordance with federal and state laws, and
20 notifying Federal and State agencies maintaining jurisdiction over lands and/or resources located
21 within the County of Plumas. Resolution 08-7514 also established the Plumas County
22 Coordinating Council to represent the County in coordinating the management plans and actions
23 of federal and state agencies, including in coordinating with the Forest Service in accordance with
24 the National Forest Management Act. PLU-A-000124 through PLU-A-000127. The Resolution
25 made note of the expectation that federal agency actions be made consistent with the County’s land
26 use plans, and other management plans affecting the natural environment, economic stability, or
27 the public health and safety of the citizens of Plumas County. Pursuant to Resolution 08-7514,
28 Plumas County used best efforts to engage the Forest Service to “coordinate” its implementation

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1 of the Travel Management Rule in Plumas National Forest with Plumas County. Notwithstanding
2 the efforts of Plumas County, the Forest Service did not “coordinate” directly with Plumas County,
3 nor did the Draft Environmental Impact Statement and Final Environmental Impact Statement
4 reflect consideration of the connection between Plumas National Forest routes and the road system
5 of Plumas County, or consider the opportunities for County roads to serve as connectors between
6 Plumas National Forest routes for motorized vehicle use.

7 11. The Forest Service instituted an across-the-board ban on off-road vehicle use on
8 Maintenance Level 3 roads in Plumas National Forest. Based on various engineering studies as
9 well as Plumas County Ordinance 10-1077, adopted on November 9, 2010. Plumas County allows
10 off-road vehicle use on County roads of a similar design, surface type, and maintenance level that
11 join with Maintenance Level 3 roads in the Forest. The Forest Service’s decision to ban such
12 vehicle use on connecting Maintenance Level 3 roads injures the County’s interest in providing
13 a safe, convenient, and rewarding driving experience for its visitors and citizens.

14 12. Plumas County’s particular policies relevant to off-road vehicle use, and the
15 importance of motorized vehicle access for the Counties’ citizens were brought to the Forest
16 Service’s attention before the publication of the Draft Environmental Impact Statement and during
17 the comment period after publication. Notwithstanding these efforts by Plumas County, the Forest
18 Service failed to “coordinate” with Plumas County on its local policies related to the interrelated
19 County and Forest Service road systems as the Forest Service designated motorized vehicle routes.
20 Many existing roads and trails were eliminated from consideration in the designation process, and
21 closed to motorized vehicle use, because they intersected with County roads. This is in direct
22 opposition to Plumas County’s policies and the requirements of the County to keep the roads open.
23 Thus, the Forest Service’s actions directly injure the County’s interests in vindicating these
24 policies and in maximizing forest access for its visitors and citizens.

25 13. Contrary to the expectations of Resolution 08-7514, the Forest Service merely
26 informed Plumas County that the Draft Environmental Impact Statement was available for public
27 comment at the same time that the EIS was available to the general public, thus ignoring the
28 provisions of Resolution 08-7514. Instead of “coordinating,” the Forest Service merely

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1 encouraged Plumas County to comment. I am not aware of any effort by the Forest Service to
2 “coordinate” with Plumas County in connection with the NEPA process leading to the publication
3 of the Final Environmental Impact Statement and Record of Decision.

4 14. In further disregard of Resolution 08-7514, Plumas County was not provided an
5 opportunity to comment on the major changes between the Draft and Final Environmental Impact
6 Statements.

7 15. The Forest Service’s failure to provide Plumas County with the opportunity to at
8 least comment on the major changes to the Final Environmental Impact Statement, in addition to
9 the Forest Service’s failure to “coordinate” with the County, has resulted in the loss of access to
10 many roads and trails that were previously available to County residents and visitors.

11 16. Plumas County has County roads leading to and connecting with roads and trails
12 in Plumas National Forest. Many of these County roads are designated by the County for shared
13 use by highway legal and non-highway legal vehicles and act as loop access between existing
14 roads and trails within the Forest. Relatedly, the Plumas County Regional Transportation Plan
15 incorporates the Forest Highway Program, which provides funding to resurface, restore,
16 rehabilitate, or reconstruct designated County public roads that provide access to or are within a
17 National Forest. Plumas County is currently improving these County roads pursuant to the Forest
18 Highway Program, administered by the Federal Highway Administration (FHA). The Forest
19 Service’s route closures injure the County’s road improvement program, which relies on a
20 continuous connecting network of County and forest roads.

21 17. As a result of the failure of the Forest Service to “coordinate” its efforts on the
22 Plumas National Forest Travel Management Plan, Plumas County residents suffered injury because
23 they were deprived of motorized access to many parts of the Forest and were thereby unable to
24 enjoy the scenic, recreational, and aesthetic pleasures afforded by those areas. This especially
25 injured those Plumas County residents that are either too young, too old, or too disabled to access
26 such areas by means other than motorized travel. As a result, only the most able-bodied residents
27 of the County are now able to access such areas. The Forest Service’s route closures also injured
28 Plumas County citizens who rely on forest access for food and fuel.

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1 18. The Forest Service’s action also directly injures Plumas County itself because the
2 closed roads provided access to forest areas for fire fighting and other safety purposes that now are
3 illegal for motorized travel.

4 19. The travel management decisions will have effects not only on natural resources,
5 but also direct, indirect, and cumulative social and economic effects. For example, the route
6 closures will reduce tourism and recreational opportunities in Plumas County. That in turn will
7 significantly decrease the purchase of food, fuel, and overnight accommodations from visitors, thus
8 injuring the County’s economy.

9 20. In addition to the foregoing concerns, the DEIS does not adequately address land
10 use designations under the Plumas County General Plan. For example, any private parcels use
11 Forest Service Roads for ingress and egress. In particular, the standards for the County’s Limited
12 Opportunity Areas state that all developments shall at a minimum have legal access by means of
13 Forest Service roads or private road easements. Fire-safe requirements dictate that development
14 in Limited Opportunity Areas shall have a minimum of two access routes for roadways over one
15 mile. To my knowledge, an analysis was not performed to determine if any private properties will
16 be affected by the project closures. Thus, the Forest Service’s failure to conduct such an analysis
17 injures the County’s interest in providing decisions that affect the natural environment, economic
18 stability, or the public health and safety of the citizens of Plumas County or its visitors.

19 21. The County of Plumas has formally adopted the Herger-Feinstein Quincy Library
20 Group (HFQLG) Forest Recovery Act as a resource management plan. While the draft EIS
21 acknowledges the pending HFQLG projects for purposes of considering cumulative effects, there
22 is no analysis as to how the closure or elimination of existing roads may impact the feasibility of
23 planned projects. Specifically, the EIS does not compare the Forest-wide, landscape-scale DFPZ
24 network of the Forest Health Pilot and HFQLG Pilot Project against a map of the Forest’s proposed
25 road closures and decommissioning. Such a comparison should be the basis for an EIS analysis
26 and disclosure of any and all road closures potentially affecting access for forest treatments and
27 for wildland fire suppression actions. The Forest Service’s failure to conduct such an analysis
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1 injures the County’s interest in providing decisions that affect the natural environment, economic
2 stability, or the public health and safety of the citizens of Plumas County or its visitors.

3 22. The County of Plumas has a Fire Plan that calls for identification or development
4 of evacuation routes from communities at risk, particularly those communities that have only one
5 primary access route. The travel management plan does not adequately consider the need for
6 evacuation routes or whether existing roads that are proposed for decommissioning could provide
7 evacuation routes themselves or serve as parts of new routes. The Forest Service’s failure to
8 consider negative impacts on the County Fire Plan injures the County’s interest in providing
9 decisions that affect the natural environment, economic stability, or the public health and safety
10 of the citizens of Plumas County or its visitors.

11 23. Existing roadways may be needed to serve as access during future fire fighting
12 efforts. The DEIS fails to adequately address this very important safety issue. The Forest Service’s
13 failure to address this matter injures the County’s interest in providing decisions that affect the
14 natural environment, economic stability, or the public health and safety of the citizens of Plumas
15 County or its visitors.

16 24. Because of the Forest Service’s failures to coordinate with the County, Plumas
17 County was forced to bring an administrative appeal of the Final Environmental Impact Statement
18 and Record of Decision. I was required to spend an additional large amount of time working on
19 the appeal. Once again, this effort took me away from other important County business, to the
20 detriment of Plumas County.

21 I declare under penalty of perjury that the foregoing is true and correct, to the best of my
22 knowledge, and that this declaration was executed this 28TH day of March, 2016,
23 at Quincy, California.

24
25 
26 ROBERT ARMAND PERREAULT, JR., P.E.
27
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CERTIFICATE OF SERVICE

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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