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## July 2013 Newsletter

### Travel Management Plan Litigation Update

On June 19 representatives from a partnership of plaintiffs that include Sierra Access Coalition, Plumas County, Butte County, and the California Off Road Vehicle Association (CORVA), met in Sacramento with [Pacific Legal Foundation \(PLF\)](#) regarding representation of the partnership's legal case against the Plumas National Forest Travel Management Plan. Because of the strength of our combined allegations of wrongdoings by the forest in their execution of the Travel Management Rule, PLF is considering taking our case pro bono. PLF has just had a significant win in the Supreme Court, and their interest in our lawsuit brings with it a wealth of litigation experience. Together with their legal expertise, PLF's practice of taking cases pro bono would help all the parties in the suit financially. PLF expects to let the partnership know by late August if they will take the case, and if accepted, the case will be filed by the end of this year.



All members of the partnership have exhausted every other possible means to represent and protect their citizens' and their members' interests to the Forest Service, and are ready for the lawsuit to proceed. This partnership is unique in that it contains two county governments, and although each member's interests with the Forest Service may be somewhat different, we are united in our agreement that the Forest Service should be held liable for their wrongdoings. There is a shared acknowledgment that all have been harmed by Travel Management, whether county resident, business owner, longtime user of forest resources, or part time visitor.

The partners are all dedicated to standing up for the rights that should be afforded by the Forest Service to rural residents and visitors alike. We hope that everyone who values freedom and who values access to their National Forests will continue to support every member of this partnership. We want to thank everyone for their patience and commitment during this lengthy process.



#### Inside this issue:

Search & Rescue OHV Poker Run	2
722 mi. of New Road Closures Planned	3
SAC Legal Defense Fund	3
New Mexico TMP Lawsuit	4
Tahoe NF Lawsuit	4
Tahoe NF Litigation	5

### Search & Rescue OHV Poker Run July 20

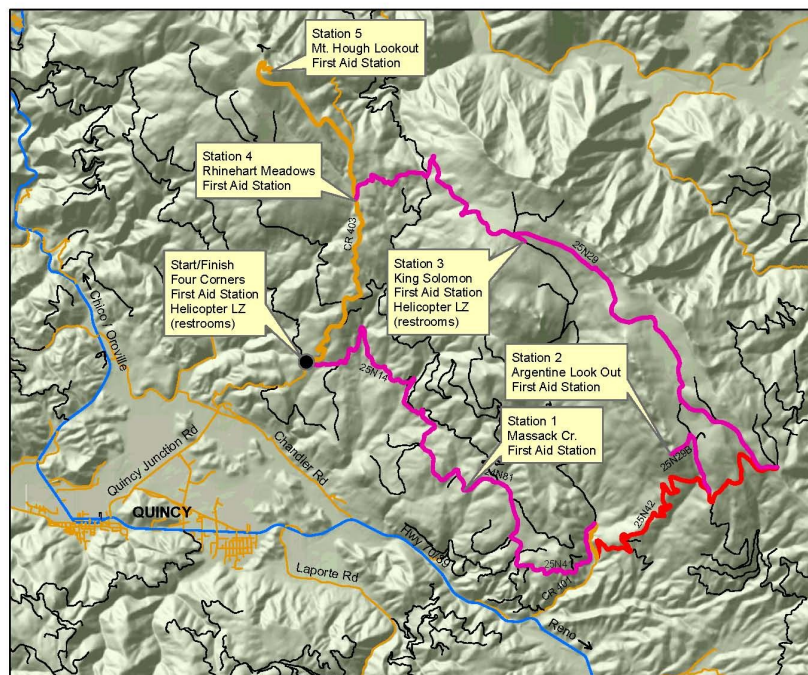


The 3rd annual Search & Rescue ATV Poker Run will be held July 20.

Bring your motorcycle, quad, or side by side for a fun ride and prizes. The route will be from 4-Corners on the Mt Hough Road, up to Argentine and back.

Support Search and Rescue and have a great ride in the forest.

For more information, maps, and registration go to: <http://plumassar.org/activities.html>



2011 Search & Rescue Poker Run



## 722 miles of Road Closures Proposed



The Plumas NF has begun work on Subpart A of the Travel Management Plan (TMP). As you will recall, Subpart B of the TMP closed 873 miles of roads and trails in 2010. The Forest Service is now planning new closures, this time main roads, under Subpart A of the TMP. They are proposing 722 miles of additional road closures, which will bring the total up to nearly 1600 miles of roads to be closed so far under the TMP.

Although Congress directed all National Forests to “minimize” their road systems”, the Plumas NF appears to be taking an extreme interpretation of what minimize means. Closure of additional roads will essentially destroy our rural way of life because it will impact future logging, firewood cutting, recreation and more.

Public meetings regarding Subpart A road closures were held in late June in Oroville, Quincy, and Blairsden. There was no public notice for the Oroville and Quincy meetings, and the Blairsden meeting was announced in the newspaper the same day as the meeting. The public has been given very little, if any, notice of the latest road closure plans.

Click links below for maps of the proposed road closures, which are shown in red:

For the east side of the forest:

[http://www.fs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprdb5424415.pdf](http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5424415.pdf)

For the west side of the forest:

[http://www.fs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprdb5424416.pdf](http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5424416.pdf)

The public can make electronic comments on individual roads on the Plumas NF website at <http://www.fs.usda.gov/detail/plumas/home/?cid=stelprdb5424250>. However, SAC would prefer you print the form on that website and send the completed paper copy to SAC, PO Box 944, Quincy CA 95971. We will consolidate all our members' comments so we can track them, and then send them to the Forest Service.

Although the Forest Service states that no actual decision will be made to close roads during Subpart A, the study will make recommendations for future road closures that will be implemented at a later date. However, the Hayden Project near Portola cites Subpart A as the authority to close roads. So apparently, Subpart A has already been set into motion.

## SAC Legal Defense Fund

SAC has been exploring additional ways of funding our lawsuit. SAC has raised a substantial amount of money, some of which has already paid our attorney to research and write our complaint, but we still need to raise more funds. Even if PLF takes our case pro bono ([see article on page 1](#)), we will still need funding to hire experts to work with our attorney. **[This is now the critical time for SAC members to donate to the SAC Legal Defense Fund.](#)**

We have become involved in a variety of ways to support our long-term goal, which is to preserve access to our public lands. We cannot do this without the support of our members. Your name on our [membership list](#) is extremely important, and so is the support from [donors](#). Sharing SAC's mission with other people is extremely valuable, as well as encouraging them to sign up as members.

*Thank you all for your support!*



July 2013



## Brief Filed in New Mexico Travel Management Lawsuit

Monday June 10th was the deadline for NMOHVA to file the Opening Brief for the lawsuit.

The brief was filed on schedule. The ball is now in the opponent's court. The Forest Service and its Department of Justice law team have until August 12th to respond to the Opening Brief. Then, it's NMOHVA's turn again. After the FS files their Response Brief, NMOHVA can respond one final time with a Reply Brief by August 27th.

The preparation of the Opening Brief initiated the heavy lifting for NMOHVA's legal team. With Karen Budd-Falen and her associates spending many hours in preparing the extensive (fifty-four page) document, the expenses rose dramatically. NMOHVA did as much of the paralegal work as they could to help keep the costs as low as possible; but there are many things only the legal professionals have the expertise to complete.

Please consider supporting this very important legal battle. While this particular fight is focused on routes in the Santa Fe National Forest, it has huge implications for the Gila National Forest and New Mexico's other forests. See <http://nmohva.org/main/index.php> for more information.

## Tahoe NF Travel Management Lawsuit Update

### Friends of Tahoe Forest Access v. U.S. Department of Agriculture

**Status:** Complaint filed on July 17, 2012. Plaintiffs' motion for summary judgment on liability filed May 16, 2013. Briefing on the merits to be completed by Aug. 23, 2013.

#### Summary:

Pacific Legal Foundation (PLF) attorneys represent Friends of Tahoe Forest Access and other recreational enthusiasts in challenging the United States Forest Service's illegal decision to bar recreational vehicles from hundreds, if not thousands, of miles of roads and trails in the Tahoe National Forest that were previously open to off-road enthusiasts.

The Service's action came through its implementation of the 2005 Travel Management Rule for the Tahoe National Forest.

PLF argues the Service violated the National Environmental Policy Act by failing to adequately analyze the human impacts of prohibiting access to more than 800 miles of formerly accessible trails, failing to conduct a site-specific analysis of the routes at issue, and improperly prejudicing off-road recreation in developing the purpose and need for the regulatory decision.

For more information, go to <http://www.pacificlegal.org/cases/Feds-are-foes-to-recreational-forest-access>

PLF depends on donations to fund their legal work. To donate go to <http://www.pacificlegal.org/page.aspx?pid=327>

**URGENT:** Please go to [Pacific Legal Foundation's website](#) and click "like". Also click "share" on the PLF website to post it on your Facebook page.

**This is important to show our support for the Tahoe case, and to show PLF that the public is interested in having PLF involved in similar cases in the future, such as the Plumas NF litigation.**

**This is the single most important thing you can do right now to help the Plumas NF Litigation move forward.**

## Tahoe NF Litigation



**PACIFIC LEGAL FOUNDATION**

*Rescuing Liberty From Coast to Coast*

May 6, 2013 PLF filed a motion for summary judgment in federal district court to reverse the government's decision to prohibit motorized travel on hundreds of miles of roads and trails in Tahoe National Forest. Historically, these routes were available to individuals who wanted to experience the natural pleasures afforded by the forest. In a misguided effort to protect the forest from human enjoyment, the government has tabooed entry to remote and wild areas that are accessible to most people only by means of motor vehicles.

To enjoy the wilds, you need to be able to *get* to the wilds. Before the government's prohibition, over 800 miles of routes in Tahoe National Forest took people into the majesty of the deep woods by motor vehicle. Now, 90 percent of those roads and trails are closed, thereby setting insurmountable barriers for many who wish to enjoy Mother Nature at her wildest.

Representing eight clients who for years have enjoyed the pleasures of the forest via motorized access, PLF filed its legal brief in the case of *Friends of Tahoe Access v. United States Department of Agriculture*, explaining that the National Environmental Policy Act (NEPA) protects the *human* environment and was enacted by Congress to preserve the environment *for* people. NEPA was never meant to keep people *out* of the environment. But that is the result under the wrong-headed government decision to close hundreds of miles of access routes in Tahoe National Forest.

The hearing on PLF's legal challenge is scheduled for September 25, 2013, in the United States District Court for the Eastern District of California.

[Visit the Pacific Legal Foundation website.](#)