

PACIFIC LEGAL FOUNDATION  
930 G Street  
Sacramento, CA 95814  
(916) 419-7111 FAX (916) 419-7747

1 M. REED HOPPER, No. 131291  
E-mail: mrh@pacificlegal.org  
2 THEODORE HADZI-ANTICH, No. 264663  
E-mail: tha@pacificlegal.org  
3 Pacific Legal Foundation  
930 G Street  
4 Sacramento, California 95814  
Telephone: (916) 419-7111  
5 Facsimile: (916) 419-7747

6 Attorneys for Plaintiffs  
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9 UNITED STATES DISTRICT COURT  
10 EASTERN DISTRICT OF CALIFORNIA  
11

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

**DECLARATION OF CORKY LAZZARINO IN SUPPORT OF PLAINTIFFS' OPPOSITION TO THE FEDERAL DEFENDANTS' MOTION TO DISMISS OR, ALTERNATIVELY, FOR SUMMARY JUDGMENT ON THE FREEDOM OF INFORMATION ACT (FOIA) CLAIM.**

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. Pursuant to the FOIA, by letter dated November 21, 2010, Sierra Access Coalition  
19 requested, from Forest Service, a copy of the Mixed-Use Analysis for the routes that were being  
20 reclassified from Level 3 to Level 2 roads. Contrary to the assertions in Paragraph 5 of the  
21 Schramel Declaration, I did not receive any documents from the Forest Service responsive to this  
22 request.

23 7. Pursuant to the FOIA, by letter dated November 24, 2010, Sierra Access Coalition  
24 requested, from Forest Service, a copy of the consultations within the U.S. Fish and Wildlife  
25 Service regarding the red-legged frog, and a copy of the peer review document written by the  
26 Plumas National Forest. Contrary to the assertions in Paragraph 8 of the Schramel Declaration,  
27 Ms. Schramel did not deliver to me on December 7, 2010, or at any other time a CD or any other  
28 document responsive to this request.

1 8. Pursuant to the FOIA, by letter dated November 24, 2010, Sierra Access Coalition  
2 requested, from Forest Service backup data for the Visitor Survey (Table 12, Sec. 3.2.4.1 in the  
3 FEIS for the Plumas N.F. Public Motorized Travel Management), including where the surveys were  
4 taken and the protocol used for the surveys. Contrary to the assertions in Paragraph 9 of the  
5 Schramel Declaration, Ms. Schramel did not provide me with any document at the December 7,  
6 2010, meeting, or at any other time, responsive to this request.

7 9. Pursuant to the FOIA, by letter dated November 24, 2010, Sierra Access Coalition  
8 requested, from Forest Service, a map of the R.S. 2477 roads in the Plumas National Forest. It is  
9 true that Ms. Schramel provided me with the 1916 map. I told her I already had that map. Contrary  
10 to the assertions in Paragraph 10 of the Schramel Declarations, I did not tell Ms. Schramel that I  
11 had copies of any older maps regarding R.S. 2477 roads. Moreover, any information that may have  
12 been provided to Rex Fisher was provided to him in his individual capacity, and he has not shared  
13 any such information with me.

14 10. Pursuant to the FOIA, by letter dated September 2, 2011, Sierra Access Coalition  
15 requested, from Forest Service, all contacts, warnings, and citations issued in the Sly Creek  
16 Reservoir area between August 17, 2011, and August 31, 2011, that relate to OHV use. Contrary  
17 to the beliefs asserted in Paragraph 15 of the Schramel Declaration, Ms. Schramel did not provide  
18 me with any information, documentary or oral, responsive to this request, and the internal email  
19 discussed in Paragraph 15 of the Schramel Declaration was never provided to anyone in Sierra  
20 Access Coalition, to the best of my knowledge and belief.

21 11. The email dated December 17, 2010, described in Paragraph 12 of the Schramel  
22 Declaration, had nothing to do with the FOIA requests set forth in the Complaint. It referred to an  
23 unrelated matter dealing with firewood.

24 12. The email dated January 7, 2011, described in Paragraph 13 of the Schramel  
25 Declaration, was written at a time when I believed the Forest Service would properly respond to  
26 my FOIA requests dated November 21, 2010, and November 24, 2010. It was also written  
27 approximately nine months before my FOIA request dated September 2, 2011.

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1           13. Since making the three FOIA requests discussed in this declaration, I have found the  
2 Forest Service to have engaged in a pattern of delay in responding to reasonable requests for  
3 information. This has occurred throughout the process leading to the Final Environmental Impact  
4 Statement and Record of Decision in this case, as well as through the administrative appeals  
5 process. For example, I have repeatedly asked Forest Service employees, including Ms. Schramel,  
6 to respond to the three FOIA requests. Each time, I was told that a response would be forthcoming  
7 but it never was. That is the reason why we were forced to include the FOIA claim in the  
8 complaint.

9           I declare under penalty of perjury that the foregoing is true and correct, to the best of my  
10 knowldge, and that this declaration was executed this \_\_\_ day of June, 2015, at \_\_\_\_\_  
11 California.

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13 CORKY LAZZARINO  
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