



PLF NEWS RELEASE

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Feds sued for blocking thousands of recreational routes in Plumas National Forest

The victims include all citizen users of public lands — including the disabled

Sacramento, CA; March 18, 2015: Representing two California counties and a broad coalition of associations and individuals who value public access to national forests, Pacific Legal Foundation (PLF) today sued the federal government for acting to prohibit motorized travel on thousands of roads and trails in Plumas National Forest that have been used for decades for responsible and legally permissible recreational purposes.

Plumas National Forest is a 1,146,000-acre National Forest in the Sierra Nevada, in northern California. The lawsuit argues that the U.S. Forest Service, a division of the Department of Agriculture, violated the National Environmental Policy Act (NEPA) and the Administrative Procedure Act (APA), by blocking access to much of Plumas National Forest without a careful, factually specific review of environmental impacts, including consequences for the public.

“We are suing to stop federal officials from illegally ‘fencing off’ a vast portion of Plumas National Forest from responsible recreational use by the public,” said PLF Senior Staff Attorney Ted Hadzi-Antich. “Federal officials have a duty to protect the environment, but not to keep humans out of the environment. One of the primary purposes of our national forests is to provide for recreational uses.

(more)

Yet the Forest Service is now prohibiting responsible recreation, by restricting access to thousands of roads and trails that the public has long had the right to use in motorized vehicles.”

PLF represents all clients without charge. The plaintiffs in this case are individual recreational users of the forest, including a disabled person whose long-time access has now been taken away; two associations of Californians dedicated to protection and recreational use of national forests; and two counties — Butte and Plumas — whose boundaries include substantial portions of Plumas National Forest. (See more details on all the plaintiffs, below in this press release.)

**In blocking previously open trails and roads from motorized use,
the feds violated their duty to act with careful analysis**

The Forest Service’s 2005 Travel Management Rule provides for designation of roads and trails available for motorized recreation in the national forests. However, the Service implemented this rule in a flawed and illegal way when it issued its Plumas National Forest Public Motorized Travel Management Record of Decision and Environmental Impact Statement in 2010.

In that 2010 decision, the Service excluded thousands of roads and trails that had been used by the public for motorized travel and recreational purposes for decades. Although these routes had been previously unclassified and not officially part of the National Forest Transportation System, they were always open to the public and it was entirely lawful to use them for motorized travel.

The Forest Service’s sudden decision to start banning motorized use of these routes was made illegally, without the factual analysis required by NEPA.

“Regulators closed off these roads without open and careful review of the facts,” said Hadzi-Antich. “This kind of drive-by decision-making isn’t just a careless way to make policy for our national forests. It’s also illegal. When decisions affect public lands, NEPA requires site-specific analysis of the environmental and human consequences, and that didn’t happen here.”

Feds ignored the impact of their action on people — including the disabled

“The Forest Service failed to adequately consider the human toll that results from denying Californians and others the ability to continue cherished and family-friendly recreational activities that have been taking place in the Forest for generations,” said Hadzi-Antich. “Particularly egregious is the fact that the closure of these roads and trails deprives disabled persons, who require motorized vehicle transport, to enjoy many parts of Plumas National Forest.

“The Forest Service’s decision also negatively impacts residents of Plumas and Butte Counties who depend upon access to the Forest for low-cost sources of food and fuel,” he added. “It also adversely affects numerous commercial interests in Plumas and Butte Counties that derive income from providing services related to motorized vehicle use and recreation, both for county residents and tourists attracted by the Forest’s recreational opportunities.”

**Plaintiffs: individuals, associations, and government jurisdictions
with vital interest in responsible public access to Plumas National Forest**

In this lawsuit defending public access to Plumas National Forest, PLF represents, free of charge:

- **Amy Granat**, a resident of Sacramento and Managing Director of the California Off-Road Vehicle Association. She has an autoimmune disease known as pemphigus vulgaris, which required her to undergo chemotherapy, causing infections in her legs and limiting her ability to walk. As a disabled person, Ms. Granat uses multiple forms of motorized recreation to enjoy a myriad of activities in Plumas National Forest. The ability to access areas in the back-country has been a key part of her medical rehabilitation, and has additionally contributed to her overall sense of well-being.

She has been visiting Plumas National Forest for many years, enjoying the freedom that motorized access gives her to experience the beauty of the Forest with her family. Camping, fishing, and viewing wildlife have been very important priorities for Ms. Granat and have been her principal ways of spending quality time with her children.

Because of the Forest Service's action, she is now foreclosed from accessing some of her favorite parts of Plumas National Forest that are accessible to her only by motor vehicle. She cannot access those areas on crutches, by wheelchair, by cane, or by using braces on her legs, even with the help of her long-time service dog.

“When you're disabled and can't walk like everybody else can, the only avenue open to you, to do it, is in a vehicle,” said Ms. Granat. “To me, what the Forest Service has done seems like an incredible overreach of what a federal agency can do. We have to bring fairness back. We have to insist that it is part of our right to be able to access public land in an environmentally responsible way. The beauty that is inherent in this American landscape has been closed off to so many people now.”

- **Corky Lazzarino**, Executive Director of Sierra Access Coalition. Ms. Lazzarino resides in Quincy, California, within Plumas County. Plumas National Forest is a significant part of Ms. Lazzarino's life. Her past and present uses of the Forest include riding her jeep on forest roads, rockhounding, cutting firewood, fishing, driving to trailheads to go hiking, camping, exploring new places in the forest, and enjoying viewing wildlife, historical sites, and scenic forest areas.

Lazzarino's husband formed Sierra Access Coalition in 2006 to protect access to public lands. He passed away in 2010, when Ms. Lazzarino decided to continue his legacy by taking on the role of Executive Director, to fight for the membership's right to access Plumas National Forest and other public lands in appropriate ways.

Lazzarino has great respect for, and wishes to continue her family heritage of diverse activities in, Plumas National Forest, including fishing, hiking, motorcycling, and wildlife watching, many of which require the ability to access the forest by motorized vehicle.

“When PLF came to our aid, that was, for us, the big ah-ah! moment,” said Ms. Lazzarino. “I knew before that we were right about what the federal government was doing, but now we had a partner that could help us win.”

- **Sierra Access Coalition**, a regional group, headquartered in Quincy, Calif., with a mission to preserve environmentally sound roads and trails for responsible public use. The Coalition is composed of more than 1,450 individuals, user groups, and local businesses that work to protect access to public lands for a multitude of diverse uses including cutting and retrieving firewood, hunting, fishing, camping, hiking, viewing wildlife and plants, rockhounding, horseback riding, driving jeeps and trucks, riding bicycles, motorcycles, and off-road vehicles, and other recreational and aesthetic activities. Sierra Access Coalition works to protect access primarily to Plumas National Forest and other national forests in northern California.
- **California Off-Road Vehicle Association**, a statewide non-profit organization with approximately 3,000 members throughout California. The association advocates for responsible recreation on public lands, promotes community involvement in the land use planning process, and maintains an educational program for responsible outdoor recreation. Association members have provided thousands of volunteer man hours maintaining Plumas National Forest unclassified trails and roads.
- **Butte County**. Approximately 100,000 acres of Plumas National Forest are located within Butte County. By blocking motorized use of thousands of roads and trails previously open for motorized travel, the Forest Service is depriving Butte County residents of popular recreational activities, undermining tourism to the county, and depriving the county of revenue related to logging operations.

“I never thought I’d be in this position, until the federal government started working on the travel management rule, and I felt we weren’t being listened to,” said Butte County Supervisor Doug Teeter. “Not only the county wasn’t being listened to, but most importantly the citizens weren’t being listened to.”

- **Plumas County**. Approximately 975,000 acres of Plumas National Forest are located within Plumas County. Because of the Forest Service’s action, the citizens of Plumas County will no longer be able to enjoy the hundreds of miles of closed-off routes for motorized recreational purposes. Further, revenues from tourism will be lost. In addition, the loss of logging road infrastructure will adversely impact the economy of Plumas County.

“The forest belongs to the people, and, in a responsible way, we ought to be able to use it,” said Plumas County Supervisor Terry W. Swofford. “This lawsuit is about the freedom to access public lands,” added Plumas County Supervisor Sherrie Thrall.

Filed with the U.S. District Court for the Eastern District of California, the case is *Granat et al v. United States Department of Agriculture*. Further information, including the complaint, a video, a podcast, and an explanatory blog post, may be found at www.pacificlegal.org.

About Pacific Legal Foundation

Donor-supported Pacific Legal Foundation (www.pacificlegal.org) is the leading watchdog organization that litigates for limited government, property rights, and a balanced approach to environmental regulation, in courts across the country.