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IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

CENTRAL SIERRA ENVIRONMENTAL  
RESOURCE CENTER, et al.,

Plaintiffs,

Civ. No. S-10-2172 KJM-GGH

vs.

UNITED STATES FOREST SERVICE, et al.,

Defendants,

and

CALIFORNIA ASSOCIATION OF 4 WHEEL  
DRIVE CLUBS, et al.,

Defendant-Intervenors.

ORDER

The parties' Cross-Motions for Summary Judgment are pending. (ECF 27, 32, 36.) The court hereby directs counsel to be prepared to address the following questions during oral argument on the cross-motions to be held on Tuesday, November 6, 2012 at 2:30 p.m. The parties may appear telephonically.

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1           A.     For plaintiffs:

2                   1.     Do plaintiffs dispute that the Statement of Purpose and Need in the EIS  
3 was reasonable?

4                   2.     In its analysis of alternatives, the Forest Service considered an alternative  
5 (the "Resources Alternative") that would have closed more NFTS roads than the proposed  
6 action. How would including yet a second alternative that closed more roads have enhanced the  
7 Forest Service's analysis?

8                   3.     If the court were to determine that the Executive Orders create a right of action  
9 enforceable by private parties, would this lead to a different outcome than if the court concluded  
10 that only the Travel Management Rule create an enforceable right of action?

11           B.     For defendants:

12                   1.     In the Forest Service's response to summarized comments published in the  
13 EIS (Appendix J), several comments and responses refer to cumulative effects. Does this  
14 indicate that the Forest Service had sufficient notice of plaintiffs' objections for plaintiffs to have  
15 exhausted their administrative remedies?

16                   2.     Are the comments regarding cumulative effects referenced in the EIS from  
17 plaintiffs?

18                   3.     Can the Forest Service point to specific pages of the administrative record  
19 that explain how the agency applied the minimization criteria? If not, is the analysis in the EIS  
20 required by NEPA sufficient to meet the Forest Service's obligations under the Travel  
21 Management Rule?

22                   IT IS SO ORDERED.

23 DATED: October 25, 2012.

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26 UNITED STATES DISTRICT JUDGE