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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**

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11 PEOPLE OF THE STATE OF CALIFORNIA,)
ex rel. BILL LOCKYER, ATTORNEY GENERAL,))
12)
Plaintiff,)

Case No. CIV. S-05-0211
MCE/GGH

13 vs.)
14 UNITED STATES DEPARTMENT OF)
AGRICULTURE, *et al.*,)
15)
Federal Defendants,)

QUINCY LIBRARY GROUP
DEFENDANTS' ANSWER TO
PLAINTIFF'S AMENDED
COMPLAINT

16 and)
17)
TUOLUMNE COUNTY ALLIANCE FOR)
18 RESOURCES & ENVIRONMENT, *et al.*,)
19)
Defendant – Intervenors)

20 and)
21 CALIFORNIA SKI INDUSTRY ASSOCIATION,)
22)
Defendant – Intervenor,)
23 and)

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1 QUINCY LIBRARY GROUP, *et al.*,)
)
 2 Defendant – Intervenors,)
)
 3 and)
)
 4 CALIFORNIA CATTLEMEN’S ASSOCIATION,)
)
 5 Defendant – Intervenor)
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7 Pursuant to Federal Rule of Civil Procedure 8(b), Defendant – Intervenors Quincy
 8 Library Group and Plumas County (collectively “QLG Defendants”) answer the allegations in
 9 Plaintiff’s First Amended Complaint for Declaratory and Injunctive Relief (“Amended
 10 Complaint”) as follows. The numbered paragraphs in this Answer correspond to the numbered
 11 paragraphs in Plaintiff’s Amended Complaint.

12 1. QLG Defendants admit the allegation in the first sentence of paragraph 1. The
 13 allegations contained in the second sentence of paragraph 1 are argumentative characterization
 14 of fact to which no response is required. The allegations in the third sentence are Plaintiff’s
 15 characterization of the 2001 Framework and 2001 Record of Decision, which speak for
 16 themselves and are the best evidence of their contents. QLG Defendants do admit that the 2001
 17 Framework amended 11 Forest Plans in the Sierra Nevada and that it addressed some
 18 competing uses within the Sierra Nevada.

19 2. The allegations in paragraph 2 constitute argumentative characterization of fact to
 20 which no response is required. QLG Defendants admit that the 2001 Framework was affirmed
 21 by the Chief of the Forest Service with instructions to the Regional Forester to review and re-
 22 evaluate the decision for opportunities to implement the Herger-Feinstein Quincy Library
 23 Group Forest Recovery Act (HFQLG Act) more fully and to make the decision more fully

1 conform to the National Fire Plan. QLG Defendants deny all other allegations except that the
2 Regional Forester did charter a review team to respond to the Chief's appeal decision.

3 3. QLG Defendants deny each and every allegation contained in paragraph 3 except
4 that the Forest Service did issue a revised Record of Decision that replaced the 2001 Record of
5 Decision in its entirety. The rest of the allegations in paragraph 3 are argumentative
6 characterizations of fact to which no response is necessary.

7 4. QLG Defendants deny each and every allegation of paragraph 4.

8 5. QLG Defendants deny each and every allegation of paragraph 5.

9 6. QLG Defendants deny each and every allegation of paragraph 6 and specifically
10 deny that the Court has jurisdiction, since Plaintiff has no standing to bring claims in this case.

11 7. QLG Defendants deny each and every allegation of paragraph 7.

12 8. QLG Defendants deny each and every allegation of paragraph 8

13 8(a). The allegations in paragraph 8(a) are conclusions of law to which no
14 response is required. To the extent a response is required, each and every allegation is denied.

15 8(b). QLG Defendants deny each and every allegation contained in paragraph
16 8(b) except that QLG Defendants admit that the 2004 Framework directs management in the
17 Sierra Nevada.

18 8(c). QLG Defendants deny each and every allegation contained in paragraph
19 8(c) except QLG Defendants admit Plaintiff seeks to invalidate the 2004 Framework and
20 reinstate the defective 2001 Framework.

21 8(d). QLG Defendants deny the allegations in paragraph 8(d) insofar as they are
22 not conclusions of law to which no response is required.

23 8(e). The allegations in paragraph 8(e) constitute conclusions of law to which
24 no response is required.

1 9. QLG Defendants admit that venue is proper in this court.

2 10. QLG Defendants deny each and every allegation of paragraph 10 that is not simply
3 a characterization of Plaintiff's case, to which no response is required. QLG Defendants admit
4 that Bill Lockyer is the California Attorney General but specifically deny that under California
5 law and the facts of this case he has standing or authority to bring this action.

6 11. QLG Defendants admit the allegations in paragraph 11.

7 12. QLG Defendants admit the allegations in paragraph 12.

8 13. QLG Defendants admit the allegations in paragraph 13.

9 14. QLG Defendants admit the allegations in paragraph 14.

10 15. QLG Defendants admit the allegations in paragraph 15.

11 16. QLG Defendants admit the allegations in paragraph 16.

12 17. QLG Defendants admit the allegations in paragraph 17 except that QLG
13 Defendants deny the allegations in the second sentence of paragraph 17. The allegations in the
14 third and fourth sentences are conclusions of law to which no response is required.

15 18. QLG Defendants admit that the APA provides the standard of review in this case.
16 Paragraph 18 constitutes conclusions of law to which no response is necessary.

17 19. QLG Defendants admit the allegations in the first sentence of paragraph 19 and
18 deny the allegations in the remainder of paragraph 19.

19 20. QLG Defendants admit that the 1993 Interim Guidelines for the California Spotted
20 Owl and the SNEP Report preceded the 2001 and 2004 Frameworks. The rest of paragraph 20
21 is Plaintiff's characterization of documents that speak for themselves and are the best evidence
22 of what they say.

23 21. QLG Defendants admit the allegations in paragraph 21 insofar as they are not
24 argumentative characterizations of facts to which no response is required. The allegations

1 contained in the fourth and fifth sentences of paragraph 21 are characterizations of a document
2 that speaks for itself and is the best evidence of its contents.

3 22. The allegations in paragraph 22 constitute Plaintiff's characterization of a
4 document that speaks for itself and is the best evidence of its contents.

5 23. QLG Defendants admit the allegations in the first two sentences of paragraph 23.
6 QLG Defendants admit that the Chief instructed the Regional Forester to re-evaluate the 2001
7 Record of Decision to better implement the Framework with the HFQLG Act, among other
8 items listed in his decision.

9 24. QLG Defendants deny each and every allegation contained in paragraph 24 except
10 that QLG Defendants admit the allegations contained in the second sentence of paragraph 24.

11 25. QLG Defendants deny each and every allegation contained in paragraph 25 except
12 that the Forest Service did mail copies of "Forest with a Future" to interested parties.

13 26. QLG Defendants admit the allegations in paragraph 26 except for the allegations in
14 the fourth sentence of paragraph 26, which are Plaintiff's characterization of the 2003 draft
15 supplemental environmental impact statement ("DSEIS"), which speaks for itself and is the
16 best evidence of its own content.

17 27. QLG Defendants deny each and every allegation contained in paragraph 27 insofar
18 as they are not inconsistent with the requirements of Fed. R. Civ. P. 8(a).

19 28. The allegations contained in paragraph 28 constitute argumentative
20 characterizations of fact and law to which no response is required. Insofar as they require
21 response, they are denied.

22 29. QLG Defendants, on lack of information and belief, deny each and every allegation
23 contained in paragraph 29.

1 30. The allegations contained in paragraph 30 constitute argumentative
2 characterizations of fact and law to which no response is required. The allegations also attempt
3 to characterize the DSEIS and the 2001 Framework EIS, which speak for themselves and are
4 the best evidence of their contents.

5 31. The allegations contained in paragraph 31 constitute argumentative
6 characterizations of fact and law to which no response is required. The allegations also attempt
7 to characterize the DSEIS and the 2001 Framework EIS, which speak for themselves and are
8 the best evidence of their contents.

9 32. QLG Defendants admit the allegations contained in paragraph 32.

10 33. QLG Defendants deny each and every allegation contained in paragraph 33.

11 34. QLG Defendants hereby re-allege and incorporate their responses to each and every
12 paragraph above.

13 35. The allegation in paragraph 35 constitutes a conclusion of law to which no response
14 is required.

15 36. QLG Defendants deny each and every allegation contained in paragraph 36 except
16 that QLG Defendants admit that the 2004 Record of Decision (“ROD”) selects the 2004
17 Framework and replaces the 2001 ROD in its entirety.

18 37. QLG Defendants deny each and every allegation contained in paragraph 37.

19 38. QLG Defendants deny each and every allegation contained in paragraph 38.

20 39. QLG Defendants deny each and every allegation contained in paragraph 39.

21 40. QLG Defendants hereby re-allege and incorporate their responses to each and every
22 paragraph above.

23 41. The allegations contained in paragraph 41 constitute conclusions of law to which
24 no response is required.

1 42. QLG Defendants deny each and every allegation contained in paragraph 42.

2 43. QLG Defendants deny each and every allegation contained in paragraph 43.

3 44. QLG Defendants deny each and every allegation contained in paragraph 44.

4 45. QLG Defendants hereby re-allege and incorporate their responses to each and every
5 paragraph above.

6 46. The allegations contained in paragraph 46 constitute conclusions of law to which
7 no response is required.

8 47. QLG Defendants deny each and every allegation contained in paragraph 47 insofar
9 as they are not mere argumentative characterizations of fact and law to which no response is
10 required.

11 48. QLG Defendants deny each and every allegation contained in paragraph 48.

12 49. QLG Defendants hereby re-allege and incorporate their responses to each and every
13 paragraph above.

14 50. The allegations contained in paragraph 50 constitute conclusions of law to which
15 no response is required.

16 51. QLG Defendants deny each and every allegation contained in paragraph 51 on lack
17 of information and belief insofar as they are not simply argumentative characterizations of fact
18 and law to which no response is required.

19 52. QLG Defendants deny each and every allegation contained in paragraph 52.

20 53. QLG Defendants hereby re-allege and incorporate their responses to each and every
21 paragraph above.

22 54. The allegations contained in paragraph 54 constitute conclusions of law to which
23 no response is required.

