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16 UNITED STATES DISTRICT COURT  
17 FOR THE EASTERN DISTRICT OF CALIFORNIA  
18 SACRAMENTO DIVISION

19 SIERRA NEVADA FOREST PROTECTION )  
20 CAMPAIGN, *et al.*, )

21 Plaintiffs, )

22 vs. )

23 UNITED STATES FOREST SERVICE, *et al.*, )

24 Defendants, )

25 and )

26 QUINCY LIBRARY GROUP, an )  
27 unincorporated citizens group; and )  
28 PLUMAS COUNTY, )

Intervenors/Defendants. )

Case No. Civ. S-04-2023 LKK/PAN

PLAINTIFFS' NOTICE OF MOTION AND  
MOTION TO FURTHER SUPPLEMENT THE  
ADMINISTRATIVE RECORD

Date: April 5, 2005

Time: 1:30 p.m.

Judge: Hon. Lawrence K. Karlton

**NOTICE OF MOTION**

Plaintiffs in this case hereby give notice that the following Motion to Further Supplement the Administrative Record will be heard by the Honorable Lawrence K. Karlton, Senior Judge, United States District Court, on April 5, 2005 at 1:30 p.m. in Courtroom 4, 15th Floor, 501 I Street, Sacramento, California.

1                   **MOTION TO FURTHER SUPPLEMENT THE ADMINISTRATIVE RECORD**

2                   Plaintiffs hereby move to further supplement the administrative record with the  
3 documents and declarations submitted by Plaintiffs contemporaneous with the filing of their  
4 Opposition to Defendants’ Cross Motion for Summary Judgment and Reply in Support of  
5 Motion for Summary Judgment. The admission of these documents and declarations should be  
6 allowed because several of the documents should have been included in the administrative record  
7 filed with the Court by Defendants, and because the others fall within the exceptions to the  
8 general rule that review of agency action should be limited to the administrative record before  
9 the agency at the time the decision was made.

10                  As more fully explained in Plaintiffs’ Memorandum in Opposition to Defendants’ Motion  
11 to Strike Plaintiffs’ Extra Record Declarations and in Support of Further Supplementation of the  
12 Record, filed herewith, Plaintiffs request that the following declarations and documents be  
13 admitted to supplement the record in this case:

14                  1.       Supplemental Declaration of Dr. Dennis C. Odion in Support of Plaintiffs’  
15 Motion for Summary Judgment.

16                  2.       Declaration of Don C. Erman in Support of Plaintiffs’ Motion for Summary  
17 Judgment.

18                  3.       Declaration of Rachel M. Fazio in Support of Plaintiffs’ Motion for Summary  
19 Judgment, along with the following Attachments:

20                       **Attachment 1:** true and correct copies of pages excerpted from the California  
21 Spotted Owl Technical Report (1992), specifically: Chapter 1, pp. 3 and 15; Chapter 4,  
22 pp. 55, 61-62, 64-65, 67-68; Chapter 5, pp. 79 and 96; Chapter 6, pp. 149 and 154-155;  
23 Chapter 8, pp. 175, 183-184; and Chapter 10, pp. 207 and 212;

24                       **Attachment 2:** true and correct copies of pages excerpted from the Sierra  
25 Nevada Ecosystem Project Report, specifically: Volume 1, cover page; Volume 1,  
26 Chapter 4, cover page and pp. 62-65; and Volume 1, Appendix 4, pp. 197-201;

