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4

5 IN THE UNITED STATES DISTRICT COURT  
6 FOR THE DISTRICT OF NEVADA  
7

8 ROBERT W. HALL, )  
9 Plaintiff, )  
10 vs. )

11 UNITED STATES DEPARTMENT OF )  
12 TRANSPORTATION an Agency of the )  
13 United States, NORMAN Y. MINETA, as )  
14 Secretary of Transportation, WILLIAM H. )  
15 KAPPUS, as Acting Administrator Nevada )  
16 Division, Federal Highway Administration, )  
17 RANDY J. BELLARD, as FHWA Planning )  
18 and Research Engineer, and LESLIE T. )  
19 ROGERS, as Regional Transit Administrator, )  
20 Nevada Division, Federal Transit )  
Administration, )  
Defendants )

CV-S-03-0477-RLH-RJJ

21 **DECLARATION IN SUPPORT OF PLAINTIFF ROBERT W. HALL'S CROSS-**  
22 **MOTION FOR SUMMARY JUDGMENT, OR IN THE ALTERNATIVE FOR**  
23 **SUMMARY ADJUDICATION OF DEFENSES**  
**AND IN OPPOSITION TO DEFENDANTS' MOTION TO DISMISS**

24 I, Robert W. Hall, declare as follows:

- 25 1. I am pro se in this action.  
26 2. I have searched the documents, files and records of this action and have not found  
27 evidence of initial or subsequent NEPA cumulative impact determinations.  
3. I have searched the documents, files and records of this action and have not found

1 evidence of “applicable” EPA finally approved state implementation plans (“SIPs”).

2 4. I have searched the documents, files and records of this action and have not found  
3 evidence of Defendants’ answers to Hall’s Exhibits “C” – “E” letters and attachments.

4 5. I have searched the documents, files and records of this action and have not found  
5 evidence that Defendants used current, NEPA compliant, cumulative impact data at any time in  
6 producing any subsequent environmental law compliance documentation including but not  
7 limited to Defendants’ Clean Air Act, SIP conformity determination or the Transportation  
8 Improvement Program 2003-2005 (“TIP”), Chapter V, Model Documentation and Transportation  
9 Conformity Analysis.  
10  
11

12 6. I have searched the documents, files and records of this action and have not found  
13 evidence as to what EPA finally approved SIP Defendants conform to regarding conformity to an  
14 EPA finally approved SIP, not temporary emissions budgets.

15 7. I have searched the documents, files and records of this action and have not found  
16 evidence showing how the Defendants conform to the EPA finally approved SIP they have yet to  
17 identify.  
18

19 8. I have searched the documents, files and records of this action and have not found  
20 evidence of citations to statutes or regulations supporting the premise that the EPA approved  
21 1979/81 SIP is not in a SIP lapse.  
22

23 9. I have searched the documents, files and records of this action and have not found  
24 evidence of citations to statutes or regulations or other evidence as to how a federal agency  
25 operating in the Las Vegas Valley serious non-attainment area for PM10 and CO can conform to  
26 a SIP that is so old PM10 there was no National Ambient Air Quality Standard for PM10 in  
27 1979/81.

1 10. I have searched the documents, files and records of this action and have not found  
2 evidence sufficient to allow the Defendants to approve and fund the 2003-2005 TIP highway  
3 projects in Clark County.  
4

5 11. I have searched the documents, files and records of this action and have not found  
6 evidence that Defendants rescinded their approval and funding of Clark County highway projects  
7 listed in their 1999-2001 TIP after the Ninth Circuit Court of Appeals vacated Clark County's  
8 May 11, 1999 SIP on August 29, 2001 and remanded the SIP submittal to the EPA.  
9

10 12. I have searched the documents, files and records of this action and have not found  
11 evidence that Defendants may lawfully proceed to approve and fund highway projects in the Las  
12 Vegas Valley when the 2003-2005 TIP supporting approval and funding does not contain the  
13 most current, NEPA cumulative impact data and secondly, where the second highest executive in  
14 the county agency responsible for the TIP admits that the submitted data are not real, quantifiable  
15 or credible.  
16

17 13. I believe that the Defendants' substituted the word "conformity" for the word  
18 "cumulative" in their memorandum in order to avoid admitting that they have not complied with  
19 NEPA since it was adopted in 1969 regardless of Rule 11 which they do not fear.  
20

21 14. For similar reasons, I believe that Defendants' know the difference between  
22 emissions budgets conformity and SIP conformity and prefer to stress emissions budgets  
23 conformity since they have not and cannot comply with SIP conformity.  
24

25 15. I believe that Defendants know they cannot conform to the EPA approved 1979/81  
26 SIP which is so old it does not have emissions budgets associated with it.  
27

16. I believe that Defendants know that the air pollution, direct and indirect cumulative  
impact emissions their agency is responsible for emitting exceeds the National Ambient Air

1 Quality Standards (“NAAQS”) and the EPA approved 1979/81 SIP standards which are more  
2 stringent than federal standards.

3 17. I believe that the issues herein go the heart of the reasons why Clark County is in  
4 serious non-attainment for PM<sub>10</sub> and CO and will soon be in serious non-attainment for ozone  
5 (O<sub>3</sub>).  
6

7 18. After six years of investigation, I have not found serious consideration of the health  
8 and safety issues of air pollution by any local, state or federal agency operating in the Las Vegas  
9 Valley, short of lip service.  
10

11 19. I have had many contacts over the years with officials of the Department of Interior’s  
12 Federal Highway Administration. I have not seen evidence of NEPA compliance and I believe  
13 that with discovery, I will be able to show that since the adoption of NEPA, CAA and the APA,  
14 Department of Interior agencies have complied with the environmental laws they liked and  
15 ignored those they did not like. The net result to me is the continuing loss of my quality of life.  
16

17 20. I have reason to believe that with discovery I will be able to show a pattern of local,  
18 state and federal agency false claims and certifications regarding federal highway environmental  
19 law compliance.  
20

21 21. I have reason to believe that there is currently sufficient evidence before this Court to  
22 deny Defendants’ Motion to Dismiss and to grant my motion for summary judgment.

23 22. I hereby certify that Exhibits “A” and “B” attached to the amended complaint are true  
24 and correct copies of a two page telefax transmittal of a March 3, 2003 Conformity Finding I  
25 received from the Federal Highway Administration on March 21, 2003. I hereby certify that  
26 Exhibits “C” through “E” are true and correct copies of similar letters with addenda attached that  
27 I sent to those listed on the cover of each letter with one exception. Page 3 is missing from

