

# **EXHIBIT A**

**Case No. 1:08-cv-02187 (RMU)**

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Trails Preservation Alliance, Inc.; Colorado  
Off-Highway Vehicle Coalition, Inc.;  
and BlueRibbon Coalition, Inc.*

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

\_\_\_\_\_  
SOUTHERN UTAH WILDERNESS )  
ALLIANCE, et al., )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
STEPHEN ALLRED, et al. )  
 )  
Defendants, )  
and )  
TRAILS PRESERVATION ALLIANCE, )  
P.O. Box 38093 )  
Colorado Springs, Colorado 80937 )  
 )  
COLORADO OFF-HIGHWAY VEHICLE )  
COALITION, INC. )  
13670 Cherry Way )  
Thonrton, Colorado 80602 )  
 )  
THE BLUERIBBON COALITION, )  
4555 Burley Drive, Suite A )  
Pocatello, Idaho 83202 )  
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\_\_\_\_\_  
Applicant Defendant Intervenors. )

Case No. 1:08-cv-02187 (RMU)

DECLARATION OF DON RIGGLE  
ON BEHALF OF TRAILS  
PRESERVATION ALLIANCE  
INC.

**Declaration of Don Riggle  
on Behalf of Trails Preservation Alliance, Inc.**

1. I am over the age of 18 and have personal knowledge of the statements in this declaration.
2. I am a resident of Colorado.
3. I am a member, the founder, and presently serve on the Board of Directors, of the Intervenor Applicant Trails Preservation Alliance, Inc. (“TPA”).
4. TPA is a Colorado nonprofit corporation. TPA’s mission is to protect the sport of motorized trail riding, educating all user groups and the public on the value of sharing public lands for multiuse recreation, while protecting public lands for future generations. TPA is a grassroots, 100 percent volunteer group composed primarily of Colorado trail riders. TPA is not a publicly-traded company, has not issued shares to its members or otherwise, and is not in any way a subsidiary of or otherwise affiliated with any publicly-traded company.
5. TPA members, including myself, have used, and hope in the future to use, motorized and nonmotorized means, including off-highway vehicles, horses, mountain bikes, and hiking, to access federal lands throughout the United States, including BLM-managed lands in Utah within the Price, Vernal and Moab field offices potentially affected by this litigation.
6. TPA works with land managers to provide recreation opportunities, preserve resources, and promote cooperation between public land visitors. TPA also prioritizes educating its members and the general public about responsible motorized and nonmotorized off-highway recreation. Since TPA members are fundamentally affected by outcomes to BLM planning and rulemaking processes, TPA is also regularly involved in, and deeply

concerned with maintaining the integrity and legal validity of, such administrative processes.

7. I and many other TPA members have long enjoyed access, via vehicles particularly involving motorcycles but also other off-highway vehicles such as four-wheel drive vehicles, all-terrain vehicles, and mountain bikes, to the Utah BLM lands at issue in this action. We intend to so visit such lands in the future, and have made concrete plans to do so in the coming months, for motorcycle trail riding trips in my specific case. Further access restrictions will force us to change or cancel these plans and will prevent our recreational and aesthetic enjoyment of the Utah BLM lands at issue in this action.
8. Vigorous travel planning and associated active management of vehicle-based recreation is essential to TPA's organizational goals and its members' continuing enjoyment of public lands, including the Utah BLM lands at issue in this action. Federal land management agencies, including BLM, are transitioning to policies of allowing vehicle travel only on routes or within areas specifically designated for such use(s). An appropriate and valid designation is thus a prerequisite to the continued recreational use and enjoyment that I and other TPA members seek on Utah BLM lands.
9. TPA, as an organization and/or through its members, participated in all aspects of the administrative processes leading to adoption of the Moab FEIS, RMP and travel plan at issue in this action. These efforts included attendance at public meetings, individual meetings with agency personnel and interested members of the public, submission of written comments, and protest of the final decision. Our protest, along with all others, was denied.
10. I have reviewed the Second Amended Complaint in this action. There are obviously

many factual statements and legal positions in that document with which TPA disagrees. I am particularly concerned by the requested relief, which seeks, in part, to “[e]njoin Defendants from taking any actions pursuant to the Moab, Price, and Vernal FEISs and RMPs and travel plans until they have complied with NEPA, FLPMA, the NHPA, the WSRA and their implementing regulations....” Second Amended Complaint (Doc. No. 86) at 43 (Prayer for Relief ¶ (3))(emphasis added). This request presents at least a possibility, if not an overt threat, that Plaintiffs, should they succeed on the merits, will seek a remedy setting aside the designations set forth in the travel plans and prohibiting BLM from authorizing TPA members’ use pending completion of new plans. In other words, the requested relief could leave a regulatory void in which we would have no affirmative authorization for vehicle access to BLM lands and would therefore be precluded from enjoying such access.

11. TPA attempts to maintain a cooperative relationship with all land management agencies, including federal, state and county offices. However, there have been many occasions when governmental agency decisions have not reflected TPA goals or input. Moreover, TPA has a unique perspective and typically presents different issues, arguments, and evidence than that presented by government legal counsel. Thus, TPA’s legal interests in this action are not identical with, and in some conceivable evolution of this action, might be contrary to, the Department of the Interior’s interests, and we anticipate a need to present different information and legal arguments than might be presented by the Department of the Interior. More specifically, TPA, through its predecessor organization the Colorado 500 Legal Defense Fund, submitted comments to the BLM plans at issue, and, albeit for different reasons, protested alongside of Plaintiffs the Moab RMP and

*Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.*

Executed

April 7, 2009  
Date

/s/ Don Riggle<sup>1</sup>  
Don Riggle  
Board of Directors and Member,  
Trails Preservation Alliance, Inc.

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<sup>1</sup> Declarant's original signature is available upon request.