

EXHIBIT C

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

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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)
Thornton, Colorado 80602)
)
THE BLUERIBBON COALITION,)
4555 Burley Drive, Suite A)
Pocatello, Idaho 83202)
)

Applicant Defendant Intervenors.)

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

DECLARATION OF BRIAN
HAWTHORNE ON BEHALF OF
THE BLUERIBBON
COALITION, INC.

**Declaration of Brian Hawthorne
on Behalf of The BlueRibbon Coalition, 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 Idaho.
3. I am a member of and presently serve as the Public Lands Policy Director of the Intervenor Applicant BlueRibbon Coalition, Inc. ("BRC"). I have been employed by BRC since March 1, 2004. Prior to that I was the Executive Director of a BRC member-organization in Utah called the Utah Shared Access Alliance from 1999-2004.
4. BRC is an Idaho nonprofit corporation representing individuals, businesses and organizations collectively totaling approximately 600,000 people throughout and beyond the United States. BRC 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. BRC 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. BRC has a long-standing interest in the protection of the values and natural resources found on these lands, and regularly works with land managers to provide recreation opportunities, preserve resources, and promote cooperation between public land visitors. BRC also prioritizes educating its members and the general public about responsible motorized and nonmotorized off-highway recreation. Since BRC members are

fundamentally affected by outcomes to BLM planning and rulemaking processes, BRC is also regularly involved in, and deeply concerned with maintaining the integrity and legal validity of, such administrative processes.

7. I and many other BRC members have long enjoyed access, via vehicles including four-wheel drive vehicles, all-terrain vehicles, motorcycles, 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. 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 BRC'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 BRC members seek on Utah BLM lands.
9. BRC, as an organization and/or through its members, participated in all aspects of the administrative processes leading to adoption of the Price, Moab and Vernal FEISs, RMPs and travel plans at issue in this action. These efforts included attendance at public meetings; individual meetings with agency personnel, elected officials and interested members of the public; submission of written comments; and, for the Moab decisions, protest of the final decision. Our protest, along with all others, was denied.
10. I have endeavored to be involved in all aspects of the Utah BLM planning processes, with

particular emphasis on the Moab Office actions since that area has iconic significance for outdoor recreation. These efforts have included remaining informed of administrative appeals or litigation potentially affecting BRC members' interests. As first filed, this case focused on BLM administration of oil and gas leasing, and had few, if any, implications for BRC members' recreational use. However, the Second Amended Complaint significantly broadened the scope of this action to potentially address all uses tied to the RMPs or travel plans, including vehicle-based recreation. BRC has not previously moved to intervene in this matter because it was not until the Second Amended Complaint was filed that we perceived a threat to our practical and legal interests sufficient to justify intervention.

11. I have reviewed the Second Amended Complaint in this action. There are obviously many factual statements and legal positions in that document with which BRC 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 BRC 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.

12. BRC 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 BRC goals or input. Moreover, BRC has a unique perspective and typically presents different issues, arguments, and evidence than that presented by government legal counsel. Thus, BRC'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, BRC submitted comments to the BLM plans at issue, and, albeit for different reasons, protested alongside of Plaintiffs the Moab RMP and Travel Plan decision challenged in this action. BLM denied all of these protests.
13. BRC was a party in a previous action initiated by Plaintiff Southern Utah Wilderness Alliance that led, at least in part, to the BLM's actions challenged herein. *See, Southern Utah Wilderness Alliance v. Babbitt, 2000 WL 33347722 (D. Utah 2000), rev'd, 301 F.3d 1217 (10th Cir. 2002), rev'd sub nom, Norton v. SUWA, 542 U.S. 55 (2004).* While the Department of Interior, BLM, and their officers were the primary defendants in that case and presented similar and ultimately effective arguments, there were junctures at which BRC and its co-party Utah Shared Access Alliance employed litigation strategy different from BLM, such as in filing the motion to dismiss ultimately granted by the district court but which BLM (and all other defendant-intervenors including the State of Utah and associated entities) declined to join. *See, 2000 WL 33347722 at *2-*3.* BRC seeks through intervention in this action to protect against erosion of the hard-fought

principles established in the prior litigation and to continue its ongoing role in BLM management of off-highway vehicle use in Utah.

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/ Brian Hawthorne¹
Brian Hawthorne
Public Lands Policy Director and Member,
BlueRibbon Coalition

¹ Declarant's original signature is available upon request.