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 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 )  
 Thornton, Colorado 80602 )  
 )  
 THE BLUERIBBON COALITION, )  
 4555 Burley Drive, Suite A )  
 Pocatello, Idaho 83202 )  
 )  
 \_\_\_\_\_ Applicant Defendant Intervenors. )

Case No. 1:08-cv-02187 (RMU)  
  
 (PROPOSED)  
 ANSWER OF TRAILS  
 PRESERVATION ALLIANCE et al.  
 TO SECOND AMENDED  
 COMPLAINT

**(Proposed) Answer of Recreational Groups to Second Amended Complaint**

Applicant Defendant-Intervenors Trails Preservation Alliance, Colorado 500, Inc., Colorado Off-Highway Vehicle Coalition, Inc., and the BlueRibbon Coalition, Inc. (the “Recreational Groups”) hereby answer the Plaintiffs’ Second Amended Complaint (Doc. No. 86) using the same numbering scheme as in Plaintiffs’ Second Amended Complaint. Unless specific responses to individual sentences or allegations are indicated, the response herein applies to the entire corresponding paragraph of Plaintiffs’ Second Amended Complaint. The Recreational Groups admit, deny, and allege as follows:

1. Introductory statements characterizing the nature of the action and Plaintiffs’ claims requiring no response. To the extent a response is required the cited authorities speak for themselves, are the best evidence of their contents, and otherwise deny.

2. Introductory statements characterizing the nature of the action and Plaintiffs’ claims requiring no response, and further allege that the cited authorities speak for themselves, that from the Recreational Groups’ perspective any intent from the Bush-Cheney administration to grant one last, or any, favor to off-road vehicle enthusiasts was never communicated to the Recreational Groups and is certainly not offered by the RMPs and Travel Plans, which dramatically reduce vehicle access from that previously authorized and enjoyed for decades by the public, as further described in the Recreational Groups’ protests to the Moab RMP and Travel Plan.

3-5. Present legal conclusions requiring no response; deny to the extent a response is required.

6. Admit.

7-8. [Jurisdiction & Venue]. Present legal conclusions requiring no response; deny to

the extent a response is required.

9-21. [Parties]. Lack information sufficient to admit or deny and therefore deny.

22-23. Admit.

24-27. [Legal Framework - I. NEPA]. Characterize legal authorities requiring no response; to the extent any response is required, admit the cited authorities contain the cited language or provisions, which speak for themselves and are the best evidence of their contents; deny any legal conclusions, advanced or implied.

28-34. [Legal Framework - II. NHPA]. Characterize legal authorities requiring no response; to the extent any response is required, admit the cited authorities contain the cited language or provisions, which speak for themselves and are the best evidence of their contents; deny any legal conclusions, advanced or implied.

35-46. [Legal Framework - III. FLPMA]. Characterize legal authorities requiring no response; to the extent any response is required, admit the cited authorities contain the cited language or provisions, which speak for themselves and are the best evidence of their contents; deny any legal conclusions, advanced or implied.

47-50. [Legal Framework - IV. WSRA]. Characterize legal authorities requiring no response; to the extent any response is required, admit the cited authorities contain the cited language or provisions, which speak for themselves and are the best evidence of their contents; deny any legal conclusions, advanced or implied.

51. [Facts - Bush Administration Legacy]. First Sentence: Lack information sufficient to admit or deny and therefore deny. Second Sentence: Admit.

52. Admit.

53. [Facts- Moab RMP- 1. BLM develops]. Admit, except to note that “wilderness” is a

defined term specifically referencing and limited to formal designation as wilderness, which can be accomplished solely by Congress pursuant to the Wilderness Act, 16 U.S.C. § 1131 et seq., and that there is no such formally-designated “magnificent red rock wilderness” in Utah as Plaintiffs allege.

54-60. Admit.

61. Presents legal conclusions requiring no response and deny to the extent a response is required.

62-64. [Facts- Moab RMP- 2. Alleged Flaws]. The cited documents speak for themselves and are the best evidence of their contents and otherwise deny.

65. Lack information sufficient to admit or deny and therefore deny.

66-69. Present legal conclusions requiring no response and deny to the extent a response is required.

70. First Sentence: Presents legal conclusions requiring no response and deny to the extent a response is required. Second Sentence: Lack information sufficient to admit or deny and therefore deny. Third Sentence: The cited settlement agreement speaks for itself and is the best evidence of its contents and otherwise deny.

71. Admit that conservation groups challenged the referenced settlement agreement; otherwise presents legal conclusions requiring no response and deny to the extent a response is required.

72-76. Characterize the cited documents which speak for themselves and are the best evidence of their contents. Additionally present legal conclusions which require no response and otherwise deny.

77. [Facts- Price RMP- 1. BLM develops]. First Sentence: Admit. Second and Third

Sentences: Admit the referenced features are within the area managed by the Price Field Office but deny the specific characterizations presented.

78-79. Admit.

80. Lack information sufficient to admit or deny and therefore deny.

81. First Sentence: Admit. Second Sentence: Lack information sufficient to admit or deny and therefore deny.

82. First Sentence: Admit. Second Sentence: Lack information sufficient to admit or deny and therefore deny.

83. Admit.

84. Lack information sufficient to admit or deny and therefore deny.

85. Admit.

86-87. Present legal conclusions requiring no response and deny to the extent a response is required.

88-90. [Facts- Price RMP- 2. Alleged flaws]. Characterize the cited documents which speak for themselves and are the best evidence of their contents. Additionally present legal conclusions which require no response and otherwise deny.

91. Lack information sufficient to admit or deny and therefore deny.

92-101. Present legal conclusions requiring no response and deny to the extent a response is required.

102. Lack information sufficient to admit or deny and therefore deny.

103. [Facts- Vernal RMP- 1. BLM develops]. First Sentence: Admit. Second-Fourth Sentences: Admit that the referenced areas are found within the Vernal Field Office, that river runners and paleontologists are among the numerous and diverse user groups who visit the

Dinosaur National Monument, and otherwise deny.

104. First Sentence: Admit. Second Sentence: Lack information sufficient to admit or deny and therefore deny.

105. Admit.

106. Lack information sufficient to admit or deny and therefore deny.

107. First Sentence: Admit. Second Sentence: Lack information sufficient to admit or deny and therefore deny.

108. First Sentence: Admit. Second Sentence: Lack information sufficient to admit or deny and therefore deny.

109. Admit.

110. Lack information sufficient to admit or deny and therefore deny.

111. Admit.

112-113. Present legal conclusions requiring no response and deny to the extent a response is required.

114-116. [Facts- Vernal RMP- 2. Alleged flaws]. Characterize the cited documents which speak for themselves and are the best evidence of their contents. Additionally present legal conclusions which require no response and otherwise deny.

117. Lack information sufficient to admit or deny and therefore deny.

118-126. Present legal conclusions requiring no response and deny to the extent a response is required.

127. Lack information sufficient to admit or deny and therefore deny.

128. Presents legal conclusions requiring no response and deny to the extent a response is required.

129. Lack information sufficient to admit or deny and therefore deny.

130. [First Cause of Action - FLPMA]. The answers to the referenced paragraphs are hereby incorporated by reference.

131. Characterize legal authorities requiring no response; to the extent any response is required, admit the cited authorities contain the cited language or provisions, which speak for themselves and are the best evidence of their contents; deny any legal conclusions, advanced or implied.

132-133. Present legal conclusions requiring no response and deny to the extent a response is required.

134. [Second Cause of Action - NEPA]. The answers to the referenced paragraphs are hereby incorporated by reference.

135-137. Characterize legal authorities requiring no response; to the extent any response is required, admit the cited authorities contain the cited language or provisions, which speak for themselves and are the best evidence of their contents; deny any legal conclusions, advanced or implied.

138-139. Present legal conclusions requiring no response and deny to the extent a response is required.

140. [Third Cause of Action - NHPA]. The answers to the referenced paragraphs are hereby incorporated by reference.

141-145. Characterize legal authorities requiring no response; to the extent any response is required, admit the cited authorities contain the cited language or provisions, which speak for themselves and are the best evidence of their contents; deny any legal conclusions, advanced or implied.

146-149. Present legal conclusions requiring no response and deny to the extent a response is required.

150. [Fourth Cause of Action - FLPMA]. The answers to the referenced paragraphs are hereby incorporated by reference.

151. Characterizes legal authorities requiring no response; to the extent any response is required, admit the cited authorities contain the cited language or provisions, which speak for themselves and are the best evidence of their contents; deny any legal conclusions, advanced or implied.

152-153. Present legal conclusions requiring no response and deny to the extent a response is required.

154. [Fifth Cause of Action - FLPMA]. The answers to the referenced paragraphs are hereby incorporated by reference.

155. Characterizes legal authorities requiring no response; to the extent any response is required, admit the cited authorities contain the cited language or provisions, which speak for themselves and are the best evidence of their contents; deny any legal conclusions, advanced or implied.

156-157. Present legal conclusions requiring no response and deny to the extent a response is required.

158. [Sixth Cause of Action - NEPA]. The answers to the referenced paragraphs are hereby incorporated by reference.

159-160. Characterize legal authorities requiring no response; to the extent any response is required, admit the cited authorities contain the cited language or provisions, which speak for themselves and are the best evidence of their contents; deny any legal conclusions,



advanced or implied.

161. First Sentence: Characterizes the cited settlement agreement which speaks for itself and is the best evidence of its contents and otherwise deny. Second Sentence: Present legal conclusions requiring no response and deny to the extent a response is required.

162-163. Present legal conclusions requiring no response and deny to the extent a response is required.

164. [Seventh Cause of Action - WSRA]. The answers to the referenced paragraphs are hereby incorporated by reference.

165-166. Characterize legal authorities requiring no response; to the extent any response is required, admit the cited authorities contain the cited language or provisions, which speak for themselves and are the best evidence of their contents; deny any legal conclusions, advanced or implied.

167-171. Present legal conclusions requiring no response and deny to the extent a response is required.

172. [Eighth Cause of Action - FLPMA]. The answers to the referenced paragraphs are hereby incorporated by reference.

173-174. Characterize legal authorities requiring no response; to the extent any response is required, admit the cited authorities contain the cited language or provisions, which speak for themselves and are the best evidence of their contents; deny any legal conclusions, advanced or implied.

175-177. Present legal conclusions requiring no response and deny to the extent a response is required.

178. [Ninth Cause of Action - NEPA]. The answers to the referenced paragraphs are

hereby incorporated by reference.

179. Characterizes legal authorities requiring no response; to the extent any response is required, admit the cited authorities contain the cited language or provisions, which speak for themselves and are the best evidence of their contents; deny any legal conclusions, advanced or implied.

180. Lack information sufficient to admit or deny and therefore deny.

181-183. Present legal conclusions requiring no response and deny to the extent a response is required.

#### **GENERAL DENIAL**

The Recreational Groups deny each and every allegation in the Second Amended Complaint not expressly admitted above.

#### **AFFIRMATIVE DEFENSES**

1. The Complaint fails to state a claim upon which relief may be granted.
2. Plaintiffs fail to validly invoke the Court's subject matter jurisdiction.
3. The matters addressed in Plaintiffs' Second Amended Complaint are not ripe for judicial review.

#### **REQUEST FOR RELIEF**

Wherefore, having fully answered the allegations in Plaintiffs' Second Amended Complaint, the Recreational Groups pray for judgment and ask the Court to rule, adjudge and grant relief as follows:

1. Dismiss the Plaintiffs' Second Amended Complaint with prejudice and deny each and all claims for relief;
2. Enter judgment on behalf of Defendants and the Recreational Groups, and against

Plaintiffs;

3. Such further and additional relief as the Court deems just and proper.

DATED: April 7, 2009.

Respectfully submitted,

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*I*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 8<sup>th</sup> day of April, 2009, I filed the foregoing electronically through the CM/ECF system, which will send notification of such filing via e-mail to the following:

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