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**United States Department of the Interior  
Office of Hearings and Appeals  
Board of Land Appeals**

Washington County, Utah; City of	)	
St. George, Utah; and Washington	)	REF: #DOI-BLM-UT-Co30_2015-1-EIS
County Water Conservancy District,	)	
Appellants,	)	
	)	<b>DECLARATION OF THOMAS J.</b>
	)	<b>BUTINE</b>
v.	)	
	)	
Bureau of Land Management,	)	
Respondent,	)	
	)	
and	)	
	)	
Conservation Lands Foundation,	)	
Conserve Southwest Utah, and the	)	
Wilderness Society,	)	
Proposed Respondent-	)	
Intervenors.	)	

1. My name is Thomas J. Butine. I am Board President of Conserve Southwest Utah (“CSU”). I submit this Declaration on behalf of CSU in support of its motion to intervene in the administrative appeal by Washington County, Utah of the Bureau of Land Management’s approved resource management plans for the Red Cliffs and Beaver Wash Dam National Conservation Areas. I have personal knowledge of each of the facts set forth below, and if called upon to do so, could and would testify regarding the following.

2. I am a citizen of the United States and a resident of St. George, Utah, where I have lived since 2010.

3. I am a retired aerospace systems engineer, with BS studies in Electrical Engineering and Computer Science, MS studies in Systems Engineering, and MBA studies in macro-economics and international finance. I spent my career in research and new product development at the Boeing Company, working in aircraft and Computer-Aided Design systems architecture, managing multi-million dollar projects of up to 500 engineers, retiring in 2005 as a member of Boeing Technical Fellowship. I subsequently worked as a consultant while the company implemented several of my inventions.

4. It was the rugged, scenic and sensitive public lands, specifically the Red Cliffs and Beaver Dam Wash areas, that influenced my family's decision to move to St. George from Seattle in 2010. In turn, we have influenced other friends from Seattle to move here and have had many friends and family visit from around the county and the world mainly due to the unique opportunity to recreate in the surrounding public lands. The unspoiled vistas with little sign of human impact is something I consider a priceless benefit to living in the area, it contributes greatly to our quality of life and is the foundation of the economic engine of this area.

5. I joined CSU in 2011 as a member of the Board of Directors and have been Board President since 2013. When I first moved here my consulting work with Boeing was decreasing, and my recreation time biking, hiking, kayaking and sailing was increasing. But recreation alone seemed an inappropriate way to spend all my time in retirement. I needed to do something bigger than myself. One day in 2011 I came across a cyclist on one of my routes through the Red Cliffs NCA, and we got to talking breathlessly about

our interests, and he mentioned this conservation group to me Conserve Southwest Utah (then named Citizens for Dixie's Future). I took him up on his offer to attend a board meeting. I had always been a conservationist at heart, and the organization's mission and the impact it had over its short lifetime struck me. I was attracted to the grass roots nature of the organization, and decided to give it a try.

### **Organizational History and Mission**

6. Conserve Southwest Utah is a non-profit organization exempt from taxation under 26 U.S.C. § 501(c)(3), incorporated under the laws of the State of Utah, and headquartered in St. George. The address of the main office is: 321 North Mall Drive, B202, St George, UT 84790.

7. Conserve Southwest Utah received tax exempt status in 2008 under the name Citizens for Dixies Future. In 2015, the Board of Directors passed a motion to change the name of the organization to Conserve Southwest Utah to better reflect the organization's vision and purpose as well as its geographic focus and pro-active nature. On May 19, 2016, Conserve Southwest Utah filed an Amendment to the Articles of Incorporation form with the State of Utah to officially document the change in name. (State of Utah, Department of Commerce, Entity Number 6284365-0140). Conserve Southwest Utah's Board of Directors announced the organizational name change in a press release dated February 28, 2016.

8. Conserve Southwest Utah is a grassroots coalition of local citizens committed to protecting the natural resources and quality of life in Washington County, UT through direct advocacy of conservation and of Smart Growth policies that enable conservation, for the benefit of present and future generations. CSU promotes a vision of vibrant, compact communities, anchored in high-tech, tourism and outdoor recreation

industries, which prioritize conservation and stewardship of land, air and water resources for the long-term sustainability of both these natural resources and the communities. The early formation of CSU began as a citizen reaction to the introduction of the Washington County Growth and Conservation Act (“Act”) which would have opened large parcels of BLM land in the region for development. CSU’s founding members organized a local constituency which successfully helped change the Act into the 2009 Omnibus Public Lands Bill, which established the BLM’s conservation mandate and Washington County’s new National Conservation Areas (NCAs) – the Red Cliffs and the Beaver Dam Wash.

9. CSU recognized that the forces driving the 2006 version of the Act were going to exert a constant pressure on these lands as the county continued one of the fastest growth rates in the county. As part of countering that original Act, CSU helped initiate and lead a large-scale growth planning effort with the support of Senator Bennett in order to put in place principles that would protect these lands into the future through Smart Growth policies. The effort engaged hundreds of concerned citizens contributing thousands of hours in planning sessions, resulting in “Vision Dixie”, which has as one of its leading principles the protection of our signature scenic vistas exemplified by the NCAs. The county and city leadership signed up to implementing this vision, although even today implementation planning and accountability are lacking.

10. CSU is a small non-profit. Since our start in 2006 our staff has never exceeded two full-time employees- an Executive Director and Public Lands Program Manager. CSU relies heavily on the dedication of its growing base of members, currently over 1200 individuals. Many CSU members and supporters live near and recreate in the Beaver Dam Wash and Red Cliffs NCAs. These lands provide unique opportunities for

hiking, camping, trail running, mountain biking, appreciation of archaeological resources and natural quiet, journaling, birdwatching, ecosystem research, photography and more. CSU takes advantage of the beauty of the public lands to engage the local community. For example, in April 2016, CSU arranged for a BLM photography workshops in southwest Utah. 32 people signed up for the landscape photography workshop and 24 for the night sky workshop. The workshop was originally limited to 12 participants, but CSU worked hard to accommodate the additional participants in order to get more people out on the public lands.

11. In 2012, CSU began a stewardship program to organize members and volunteers to help steward, restore and protect the public lands in Southwest Utah, including within the Beaver Dam Wash and Red Cliffs NCA. Our members volunteer an average of 6,000 hours a year to these stewardship programs. The National Conservation Land volunteers and stewards restore damaged habitat, control invasive weeds, collect native plant seeds, monitor archeological sites, and maintain trails within the Red Cliffs and Beaver Dam Wash NCA. Examples of projects include:

a. CSU hosted the repair of erosion damage and raking out of social trails in the popular Paradise Rim area of the Red Cliffs National Conservation Area and removal of soil from the Dinosaur Trackways public use site in Warner Valley in 2015. CSU coordinated these projects with the Red Cliffs Desert Reserve, BLM St. George Field Office, residents of the Paradise Canyon Home Owners Association, American Conservation Experience (“ACE”) interns, Dixie Mountain Bike Trails Association officers and an Eagle Scout candidate with supervision from the St. George Field Office archaeology staff.

b. CSU coordinated a habitat restoration project on 100 acres damaged by fire in the Red Cliffs and Beaver Dam Wash NCAs. CSU conducted volunteer recruiting with The Nature Conservancy and planted ten thousand one-gallon native plants, custom-grown from locally-collected seed at the NPS Lake Mead greenhouse. BLM stated it was the largest habitat restoration research project to date in the Mojave Desert region. Approximately 80 volunteers, including Washington County Commissioner Alan Gardener and Deputy County Attorney Celeste Malloy, helped install the plants and build chicken wire cages to protect them from predation.

c. CSU sponsored yearly week-long archeological site cataloging expeditions for the expert consultants at Western Rock Art from 2012-2016 at considerable expense at tremendous interest to the community.

In 2012, after the NCA's were finally designated, CSU organized a public celebration event. Several hundred local supporters attended and special guests and speakers included the Secretary of the Interior Ken Salazar, BLM Director Bob Abbey, former US Senator Bob Bennett, local Washington County officials, and members of the media.

12. CSU also organizes and conducts outreach and education efforts to engage the St. George community in their public lands. In 2016, outreach and education efforts included the following:

a. Presentation on *Public Lands and the Two BLMS: Multiple Use and the National Conservation Lands*. The presentation was attended by 28 people at the Kayenta Art Village as part of the Room for Thought lecture series in Ivins, Utah. Following the presentation, CSU Director Susan Crook led a discussion on the new mission of BLM as a landscape scale conservation agency.

b. Presentation on *Wildlands as Our Back Yard: Management Challenges* as part of the 2016 Utah Chapter American Society of Landscape Architects Annual Meeting, St. George, Utah. BLM Landscape Architect Lynne Scott and CSU Director Susan Crook both presented on the growing pressure on southwest Utah's NCAs due to the rapidly growing population. 140 attended the presentation.

c. CSU hosted a booth at the Springdale Earth Day Celebration in Springdale, Utah. We received over 120 visits by members of the public and over 60 visitors signed postcards to Utah Governor Herbert urging him to leave public lands in public hands.

d. In June of 2016, Conserve Southwest Utah hosted an open house in their offices. Habitat Conservation Plan Administrator Lynn Chamberlain brought Tank the tortoise, a juvenile tortoise and a local species of snake, to educate the public about the Red Cliffs Desert Reserve and progress on renewal of the Habitat Conservation Plan. Over 30 people attended.

e. At the Washington County Fair, CSU hosted a booth to educate the public about our volunteer programs and the importance of public lands. Over 250 stopped to talk with CSU members.

f. CSU Ambassador Ray Kuehne, gave a presentation on *The Origin of Utah's Federally Managed Public Lands* as part of the Dixie Forum at Dixie State University. Over 75 people attended the talk.

### **CSU's Support of the Red Cliffs and Beaver Dam Wash Resource Management Plan**

13. CSU invested heavily in the protection of the NCAs and once established and celebrated, CSU quickly pivoted resources to engaging in their Resource Management

Plans. We began meeting with local BLM including the new NCA managers, local leaders and county commissioners to develop an open dialogue about how these NCAs should be managed. We updated our website and added information on the National Environmental Policy Act, BLM Planning Process, Resource Management Plans and background on the National Conservation Lands. In addition, CSU also educated the local community and its members on how to engage in local planning decisions with State and Federal agencies. CSU partnered with The Wilderness Society on an RMP commenting workshop in June 2015. After BLM released the draft Resource Management Plans for the Red Cliffs and Beaver Dam Wash NCAs in July 2015, CSU conducted a train-the-trainers workshop with the leaders of local public lands user groups to prepare them to conduct commenting campaigns with their groups. CSU conducted three public comment training workshops, including two sessions of the workshop in the Washington County Commission Chambers.

14. In addition to engaging the community, CSU participated in every BLM public meeting concerning the planning of a draft Resource Management Plan for the new NCAs and monthly Dixie Metropolitan Planning Organization Technical Advisory (DTAC) and Executive Committee (DTEC) meetings. We spent extensive staff hours researching, writing and submitting comments during every stage of the RMP planning process.

15. On January 22, 2016, Utah Representatives Rob Bishop held a field hearing to address the Resource Management Plans in St. George Utah- *Subcommittee on Federal Lands Oversight Field Hearing on Ensuring Local Input, Legal Consistency and Multi-Use Resource Management in St. George*. When rumors about the hearing began circulating the first week of January 2016, CSU Land Program Manager Susan Crook



took the lead to organize the response (just a week after rotator cuff surgery on her dominant arm). These organizing and follow-up activities included the following:

a. Coordinating with national leadership of Conservation Lands Foundation, The Wilderness Society, Back Country Horsemen and Southern Utah Wilderness Alliance on strategies, messaging, media outreach, and updates on hearing details.

b. Reached out to leaders of local recreation and conservation groups to mobilize their members to pack the hearing room, write Letters to the Editor, and contact local officials and members of Congress to let them know they had other constituents with different views who would like representation. Groups included Southwest Chapter Back Country Horsemen of Utah, Southwest Broadband, Great Old Broads for Wilderness, Sun River Hiking Club, Red Rock Hiking Club, Red Cliffs Audubon and the Wildlands Network.

c. Asked partner organization to help us promote CSU as southwest Utah's go-to local conservation organization by being respectful at the hearing, defending the NCAs, and supporting BLM in doing the right thing, rather than using the hearing to promote their own agendas.

d. Sent out three MailChimp alerts to CSU members and volunteers asking them to show up at the hearing with friends, write Letters to the Editor, and sign up to speak at Congressman Stewart's "invitation-only" afternoon listening session.

e. Alerted local media about hearing, got names of reporters assigned to cover it, shared backgrounders and updated hearing information with them, and

let them know who would be available for comments and interviews and thanked them for their coverage.

f. Supported Paul Van Dam and Lisa Rutherford in preparing oral and written testimony. Paul, former Attorney General of Utah and former Executive Director for CSU, was the designated spokesman for conservation interests because of his role during negotiations on OPLMA.

g. Contacted Congressman Jim Matheson through his former local director Mike Empey for his response to assertions from local officials and current members of Congress that BLM is misinterpreting OPLMA. Congressman Matheson's responded that the language in the bill is what it is. There were no backroom deals or promises of a northern corridor highway.

h. Called and emailed Grand Staircase Escalante Partners, Friends of Cedar Mesa, Friends of Gold Butte to share intel and ask them to mobilize members to attend if possible and share the alert with their networks.

i. Cajoled the Dixie Convention Center staff into allowing CSU to rent a hospitality room two days prior to the hearing and provide us with snacks and beverage service throughout the day, despite their policy requiring two weeks advanced notice. Dixie Center staff were gracious and accommodating on the day of the hearing as well, despite the general chaos.

j. Board member Jane Whalen scrambled to print brochures about the northern corridor, and "Protect Red Cliffs NCA" signs modeled on bumper stickers supplied by former board member Lisa Rutherford during draft RMP campaign. The signs and brochures were placed in the hospitality room along with CSU E-news signup sheets.

k. Proved that cowboys and conservationists can be friends when opposing overflow crowd members stood shoulder-to-shoulder in the CSU hospitality room straining to hear and see the hearing proceedings livestreamed on Dick Kohler's MacBook, while the Dixie Center staff scrambled to set up chairs and a big screen TV in the Garden Room for the overflow crowd of an estimated 100-150 people who were unable to get seats in the hearing room. The capacity of the hearing room 400 people of whom about two-thirds were NCA supporters.

16. CSU has been working to protect the Red Cliffs and Beaver Dam Wash NCA's for eleven years. The protection of these two areas is central to our mission and plays into many of our other campaigns to promote smart growth and protect open spaces. We calculate that over this time line and in consideration of the staff and volunteer time dedicated to these two landscapes we have contributed over 70,000 hours to this campaign of protecting and restoring this land. After accounting for expenses and staff salaries, CSU invested over \$590,000 to the protection of Red Cliffs and Beaver Dam Wash over the last 11 years.

17. I was made aware of Washington County's administrative appeal of the approved Red Cliffs and Beaver Dam Wash National Conservation Areas Resource Management Plans on February 23, 2017, when I received an e-mail from The Wilderness Society which included an attachment of the actual appeal.

18. If Washington County is successful in this case, CSU will be forced to shift substantial resources back to engaging its members in a whole new RMP. If the Board issues an order reversing the approved RMPs, converting the NCAs from exclusion areas to avoidance areas, and granting Appellants' Washington County's other requested relief, CSU would be forced to pivot our resources and reassess our organizational goals

for 2017. There are several initiatives that we have begun to implement and were priorities for 2017 that CSU will be forced to shift resources away from including:

- a. Water initiative to: (1) Engage the county commission and local cities to create real water conservation plans, rather than just a list of concepts that could be implemented, (2) engage the county commission on specific issues with the Lake Powell Pipeline, (3) develop a public awareness and participation campaign on water conservation and the Lake Powell Pipeline
- b. Smart Growth initiative to: engage local planning authorities on implementation and accountability of our smart growth plan, Vision Dixie, in order to reduce the stress of growth on the environment and enable conservation of public lands, water and air quality.
- c. On Federally-Managed Public Lands in general: developing a “facts” paper on the federal management of public lands and engaging local, state and federal representatives, with the support of other conservation organizations in the state, to discuss the issues with us, backing it with a public information and letter-writing campaign to support continued federal management based on the facts and data.
- d. On Climate: following a similar path as on the public lands initiative in order to educate our political representatives and the public on the facts of climate change and to gather support for local, state and national solutions.

19. It would be a huge effort to shift our resources from the current initiatives listed above to a new RMP effort after investing so much in the first six-year long original effort. Re-building that original momentum would be an extremely difficult, especially if it is obvious such efforts can be so easily pushed aside so easily, after the hundreds of

thousands of dollars and thousands of volunteer hours invested. The first one was an open and fair public process and our members will struggle to understand why to engage in another process when the first one didn't work.

20. The public lands of our area, especially our National Conservation Areas, hold the most sensitive and valuable natural and cultural resources, further protected by the smart growth policies defined the principles that represents our citizens' values, and which our elected officials have sworn to support. The BLM's decision on the Resource Management Plans support our mission and the values of the citizens of the county. The appeal is a direct affront to our mission and those values. It strikes at the very core of our organization and renders fruitless the many efforts that been invested to establish protection for these lands.

#### **Declarant's Personal Experience with the Red Cliffs and Beaver Dam Wash National Conservation Areas**

21. My father instilled in me an environmental conservation ethic while we explored the wild north woods of my native Michigan and he sent me on a path as a lifelong outdoorsman: hunting, fishing, camping, backpacking, hiking, snowshoeing, climbing and route-finding, road and mountain bicycling, sailing, canoeing and white-water rafting, and exploring since a very early age. He helped establish our Boy Scout troop and encouraged my work toward Eagle Scout. Several of us started our own Explorer Troup and we began making our trips to the Canadian wilds and to the Rocky Mountains.

22. Because of this background I was drawn to southern Utah, and I've spent approximately one day a week for the past 7 years hiking, biking and leading hikes in the

Red Cliffs and Beaver Dam Wash NCAs. The unspoiled vistas with little sign of human impact is something I consider a priceless benefit to living in the area.

23. I have many favorite treks in the Red Cliffs NCA:

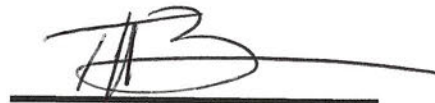
- a. The traverse across Red Mountain is fantastic. I do this 12-mile hike with friends about once per year, usually in the spring or fall when it not too hot but the daylight hours are long. We never see anybody else, and the terrain is of terrifically-formed slick rock. Solitude in the best of the desert southwest.
- b. There are several undulating routes up to the cliffs at the end of Snow Canyon, which is imbedded in the NCA, coming in from the north side to the shear 800' drops down into the canyon. These routes are steep, with ponds scattered about after a rain, and can be done any time of year. I've lead groups on hikes there many times, probably half a dozen times this winter alone. Again, nobody else in sight, with signs of deer and big cats in the sand around the pools.
- c. As secluded as the Red Cliffs NCA is, once you get away from the roads, the Beaver Dam Wash is even more so, except perhaps when the Joshua Trees are in bloom. The views here are expansive. Each spring during the bloom my wife and I take the drive on the rough road, and pick a spot to stop, listening to the sound of silence, looking at the huge horizon, and wondering how long it will take this area to recover all of its native beauty of years of over-grazing and fire abuse. Even so, it is a beautiful spot.
- d. All of my bike rides are in and around our two NCAs. My 2-3 times/week ride is the loop up through Snow Canyon and down SR18, which right now is thankfully the only highway splitting the Red Cliffs NCA. The famous Veyo

loop 44-mile ride encircles the NW portion of the NCA, offering spectacular views the entire route. I make this trip quarterly, usually with 2-4 hardy friends.

24. These experiences are part of my daily life and provide me with a sense of purpose. I will continue to hike, bike and visit Red Cliffs and Beaver Dam Wash NCA's as long as I'm able. If the northern highway corridor is developed it will alter the landscape and it will alter the landscape irrevocably, introducing air pollution, the roar of traffic noise, and the clutter of litter to otherwise pristine land. Experiencing the openness and peaceful isolation of these lands will be lost, forever. All of the many people with whom I have experienced this land have remarked about the expanse of land visible from the Red Hill Parkway (the previous "last highway" in the NCA) across the buttes and ranges all the way up to Pine Mountain, the exact section that this new highway would scar. It would have a lasting impact on what makes St George such a special place. The road would cause lasting damage to the desert habitat. The isolation and wilderness nature will be lost.

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

Executed this 22nd day of March, 2017 in St. George, Utah.

A handwritten signature in black ink, appearing to be 'TJB', written over a solid horizontal line.

Thomas J. Butine