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UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF IDAHO

WESTERN WATERSHEDS PROJECT,)
and CENTER FOR BIOLOGICAL)
DIVERSITY,)

Plaintiffs,)

v.)

RYAN K. ZINKE, Secretary of Interior;)
DAVID BERNHARDT, Deputy Secretary)
of Interior; and UNITED STATES)
BUREAU OF LAND MANAGEMENT,)
an agency of the United States,)

Defendants.)

Case No. 01:18-cv-187-REB

**DECLARATION OF LAURA
CUNNINGHAM**

I, Laura Cunningham, declare as follows:

1. The following facts are personally known to me, and if called as a witness I would and could truthfully testify to these facts.

2. I hold a Bachelor's degree in Paleontology from the University of California, Berkeley. I have authored a book on the historical ecology of California, *A State of Change: Forgotten Landscapes of California* (Heyday, 2010), and a children's book, *The Bay Area Through Time* (Heyday, 2013).

3. I am the California Director at Western Watersheds Project, a position I have held since March 1, 2017. In 2008 I co-founded an environmental advocacy group, Basin and Range Watch, which seeks to conserve the native ecosystems and landscapes of the Mojave Desert and Great Basin regions of California and Nevada. In 2016 I successfully applied to the IRS for 501(c)(3) non-profit status for Basin and Range Watch. I am on the board of Basin and Range Watch.

My Professional Interest In Sage-Grouse Conservation.

4. For Western Watersheds Project I have a keen interest in investigating sage-grouse habitats and populations in southern and central Nevada because I currently reside in Beatty, Nevada, which is on the California border but easily accessible to many parts of the southern half of Nevada. I regularly drive through central Nevada such as along Highway 6 where many of the oil and gas lease sales are mapped to occur. I examine grazing allotments in the areas of the oil and gas leases, as well as energy projects such as solar and wind project proposals.

5. The greater sage-grouse is an important Great Basin species that I have had a long interest in, and have attempted to study through literature review and field work observing the species in its native habitats. I have a professional interest in conserving the sage-grouse across Nevada.

6. Since 2015, Basin and Range Watch has been actively involved in monitoring BLM and USFS projects that may impact sage-grouse in the Great Basin of California and Nevada. In August 2017, I wrote a comment letter to the Ely BLM office concerning the Egan and Johnson Basin Restoration Preliminary Environmental Assessment, which proposed to restore sage-grouse habitat by chaining pinyon-juniper woodlands. I traveled to the area in eastern Nevada to do field work in order to write comments. In September 2017, I attended a BLM-Bishop field trip to the Bodie Hills in CA/NV to comment on pinyon-juniper treatments that would impact sage-grouse, and using all this information I planned on commenting on similar pinyon-juniper treatment proposals in the Monitor Range, managed by the Humboldt-Toiyabe National Forest, in the vicinity of the BLM Monitor Valley oil and gas leases. I traveled to the Monitor Valley several times from 2010 to 2017 to examine sage-grouse habitat on the basin floor sagebrush zone, and up into the sagebrush-pinyon-juniper savanna areas on the mountains to examine the habitats and plant communities before proposed agency actions took place. I saw and photographed sage-grouse hens on two different occasions, one in Monitor Valley near Morgan Creek, and in 2017 a hen along Mosquito Creek in Monitor Valley. Both of these observations were on BLM land.

7. Due to the extremely short new comment periods, Western Watersheds Project's staff are rarely able to conduct site visits with BLM to observe on-the-ground conditions. This impoverishes BLM decision-making because as Western Watersheds Project staff, I have been engaged with management of lands at stake in these oil and gas leasing decisions and could provide valuable insight into ecological changes over time, especially since I have been studying the ecological history of Nevada native plant and animal communities and landscapes for decades.

8. Basin and Range Watch has been interested in becoming more involved in opposing oil and gas leases in Monitor Valley and Little Fish Lake Valley, because of its long-standing interest in conserving ecosystems from development, energy extraction, and fragmentation. However, it has been hindered by the short deadlines to comment on such lease sales over so large an area.

9. Basin and Range Watch has a long history—since 2009—of doing site visits to photograph and take notes ("ground-truth") what is described in NEPA documents, and then sharing its findings on its website. This gives the public more information on how to comment on proposed projects. The organization sends email alerts and suggested comments that supporters can send in as their own comment, and encourages independent comments from the public as well. Basin and Range Watch also sends in extensive comments on projects.

10. Basin and Range Watch has also written several articles for social media and its website, penned by myself, to educate the public concerning the National Sage-Grouse Planning Strategy to amend land use plans across sage-grouse range in an effort to impose adequate regulatory mechanisms necessary to avert an ESA listing.

11. As part of my work for Western Watersheds Project, I recently undertook fieldwork in June 2018 checking grazing allotments in Hot Creek Valley, Big Sand Springs Valley, the Pancake Range, and the Reveille Range. The added impacts of oil and gas lease sales and potential drilling, over and above livestock grazing impacts to these native ecosystems, will exacerbate the degradation of these landscapes. And the comment deadlines for the oil and gas leasing and development decisions are too short for meaningful public input in my opinion.

Personal Interests In Preserving Sagebrush Habitats In Nevada.

12. I have a long history of recreational experience traveling to and inventorying lands on Nevada BLM's Tonopah and Shoshone-Eureka Field Offices, including extensive experiences viewing sage-grouse in the Little Fish Lake and Monitor Valleys where oil and gas leasing will occur as part of the June 2018 lease sale.

13. I have in the past enjoyed hiking, birdwatching, wildlife-viewing, photography, field-sketching, and camping in several of the areas where June oil and gas lease sales are occurring, including: Monitor Valley, Little Fish Lake Valley, Hot Creek Valley, and Big Sand Springs Valley.

14. For recreational purposes I have camped and hiked in the Monitor Valley at Mosquito Creek, Morgan Creek, and Barley Creek several times to hike up and access the Table Mountain Wilderness Area on the Monitor Range since. This is one of my favorite parts of Nevada due to the remoteness, wild landscapes, and solitude I can experience. I have been visiting the Monitor Valley every summer since 2006, and I plan to return this summer and in the future as often as I can during vacations. Seeing oil rigs in the vista would negatively impact my ability to escape artificial human developments and seek solitude, quiet, and natural wild landscapes. I have walked around Monitor Valley in the areas of oil and gas leases 006, 002, 011, and 014 to botanize, photograph scenic landscapes, and birdwatch on the valley floor. I plan to return to the Monitor Valley to explore new trailheads in the Monitor Range, and look for sage grouse, in August 2018.

15. For recreational purposes I have explored the Little Fish Lake Valley, which is a remote and beautiful enclosed basin surrounded by tall mountain ranges. There are scenic lakes and meadows here that I have visited to take landscape photos. I have camped in Little Fish Lake

Valley at the Green Monster trailhead that accesses the Table Mountain Wilderness Area in the Monitor Range, as well as at Clear Creek trailhead, which accesses an impressive gorge on the east side of the Monitor Range overlooking Little Fish Lake Valley. This is in the vicinity of oil and gas leases 019 and 025, which I have traveled through to access hiking points and photographic vistas. Oil and gas drilling here would ruin the feel of wild, remote Nevada that I am seeking. I plan to go back here to camp and hike in July 2018.

16. For recreational purposes I have hiked into the Hot Creek Range, camping in the mountains from an access road at South Sixmile Canyon by Morey Peak, driving through the Hot Creek Valley from Highway 6 at Tybo junction. This lies in numerous proposed oil and gas leases in Hot Creek Valley, and would impact my experience of camping and hiking in a remote area. The Hot Creek Valley is famous for a unique underground atomic bomb test in the 1960s near Morey Peak, outside of the Nevada Test Site, which I have toured. I have visited the signs of the Department of Energy that label this small test site in the vicinity of oil and gas lease 100.

17. I have toured the Hot Creek Canyon road that enters at Hot Creek Ranch in the vicinity of oil and gas leases 049, 045 and 048. This is a very scenic canyon with stream, meadows, cliffs and rock formations. I have undertaken wildlife viewing here of desert bighorn sheep, viewing wild horses, landscape photography, botanizing, birdwatching, hiking, and camping. Oil and gas drilling at the mouth of this canyon would negatively affect my ability to escape the signs of industrial developments.

18. Warm Springs is a primitively developed hot spring in Hot Creek Valley that may be negatively impacted by oil and gas leases 032 and 034. This is a popular hot spring swimming pool on an historic resort property that overlooks the Hot Creek Valley. I have recreated here on numerous times and enjoyed the remote, quiet and peaceful feel of the area. Industrial oil and gas

drilling would add noise, night lights, dust, and development to this remote location. I have seen and photographed desert bighorn sheep here every time I have visited Warm Springs, as they come down off of the Hot Creek Range and Kawich Range to drink. I have also observed and photographed pronghorn antelope in the vicinity of Warm Springs in Hot Creek Valley at oil and gas lease 034, in June 2018.

19. I have hiked and camped at Lunar Crater Volcanic Field, which is south of the Big Sand Springs lease area, but in view of the lease area. I have visited this area several times since 1992. There is also a BLM-signed interpretive area along Highway 6 to the north, that is not on some maps, that shows a relatively recent basalt volcanic flow in Big Sand Springs Valley that could be in lease areas 134 and 128. This area has a very remote and wild feel, and I come here to get away from urban developments and experience the spiritual renewal that wild central Nevada landscapes can provide. Oil and gas developments would destroy this feel.

20. I have gone to the Pancake Range and Big Sand Springs Valley to explore remote and arid Great Basin scenery, view wild horses, and hike. I plan to return to this area in August 2018 to explore the area on a four-wheel drive touring trip.

21. I am the author or editor of two books on ecology and history, and plan to write another book on the ecological history of the Great Basin in Nevada. Much of my book field research has taken place in the Monitor Valley, Little Fish Lake Valley, Hot Creek Valley, and Big Sand Springs Valley. Oil and gas lease sales in this remote, wild area will negatively impact my ability to study the ecology and history of these Great Basin landscapes.

22. I also undertake as a hobby *plein air* painting, sketching, and outdoor art projects in Nevada. I have taught oil painting classes in my free time to interested art students who want to get out in nature in Nevada, away from the city of Las Vegas, and explore wild and natural

areas. I have taken painting students to such localities as Ash Meadows National Wildlife Refuge, Desert National Wildlife Refuge, and Death Valley National Park. I plan on taking students in the future to remote and scenic areas of Nevada. One of my favorite places is Belmont, Nevada, the gateway community to the Monitor Valley, where students can stay in the small town and then venture out to paint and explore the wild vistas of Monitor Valley. Oil drilling rigs would negatively affect my ability to show students the remote and historical landscapes of central Nevada.

23. The proposed oil and gas leasing now undertaken without adequate comment per the new Administration's direction will cause irreparable harm to my and scientific, recreational, spiritual, and other interests in the persistence of natural Great Basin sagebrush communities and sage-grouse. Much of the deserts in the Western US have been impacted by man, and I am finding it ever more difficult each year to locate remote, wild areas that do not bear the mark of industrialization or extractive uses. These places are valuable for providing beautiful, unfragmented, natural landscapes which are increasingly rare.

I declare under penalty of perjury pursuant to the laws of the United States that the foregoing is true and correct. Executed this 30th day of June, 2018 at Beatty, Nevada.



Laura Cunningham