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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF IDAHO

WESTERN WATERSHEDS PROJECT,
et al.,

Plaintiffs,

v.

DAVID BERNHARDT, Acting
Secretary of Interior; JOSEPH R.
BALASH,* Assistant Secretary of
Interior; BUREAU OF LAND
MANAGEMENT; and U.S. FOREST
SERVICE,

Defendants.

Case No. 1:16-cv-00083-BLW

**DECLARATION OF BRETT
HARTL**

** Official Defendant automatically substituted
per Fed. R. Civ. P. 25(d)*

I, Brett Hartl, 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 currently live in Prescott, Arizona, and have lived there since October of 2018. I split my time between Arizona, where I also teach as an adjunct at Prescott College, and Washington, D.C.

3. I have worked at the Center for Biological Diversity (“CBD”) since 2013. From 2013 to 2016, I was CBD’s Endangered Species Policy Director, and in 2017 was promoted to CBD’s Government Affairs Director.

4. I have an undergraduate degree in conservation biology from Prescott College, Arizona, and a law degree from Lewis and Clark Law School.

5. As a member of CBD, I support its efforts to secure a future for all species, great or small, and to and prevent development from driving species extinct. I support CBD’s mission to protect imperiled species and their native habitat, and I trust in the organization to take actions that defend and promote my interests.

6. I am an avid wildlife watcher. One of my personal passions when not working is to view wildlife at home, around the country, and around the world. I have seen over 3300 species of birds and 360 species of mammals, and regularly travel to observe wildlife, which I photograph and take video of to post online.

7. I lived in Carbondale, Colorado from September 2000 to April 2001 and have traveled around northwest Colorado extensively. Since then, I have made many visits to that part of Colorado to watch wildlife and recreate on public lands. I have made several trips with the primary goal of observing the greater sage-grouse. My first trip to view the greater sage-grouse was in the spring of 2006 near the town of Hayden, Colorado. I saw several sage-grouse on a lek displaying. At the time, I was still a

beginner bird-watcher, so I enjoyed not only seeing the grouse but other wildlife found in that area including animals like Brewer's sparrow and mule deer.

8. I tried to observe greater sage-grouse in April 2013 near Walden, Colorado but was unsuccessful. I went to the Waunita Hot Springs lek to observe Gunnison sage-grouse in 2016 in Colorado, but again was unsuccessful in seeing greater sage-grouse on that trip at a lek near Grand Junction that unfortunately was no longer active. From my perspective, it appears that there are fewer reliable locations for viewing greater sage-grouse each year as more and more habitats are disturbed by development.

9. I have also seen greater sage-grouse at the Malheur National Wildlife Refuge in eastern Oregon in 2008 and 2009. Over the years, I have seen all ten species of grouse in the United States, and almost every time, my sightings have been on public lands, most likely because the habitat was of higher quality.

10. I plan to return to northwest Colorado to view greater sage-grouse again in March of 2020 and will visit the leks near Hayden and Walden. I hope to take photos and make video recordings of the grouse displaying on their leks because I have been unable thus far to successfully photograph and video-record the greater sage-grouse.

11. I personally receive significant recreational and aesthetic enjoyment from visiting and observing wildlife in sagebrush habitats. During this 2020 trip, I hope to see a variety of wildlife species including white-tailed prairie-dogs, badgers, gray fox, pronghorn, sagebrush sparrows, sage thrashers, and many others species of wildlife.

12. It is my understanding that the Bureau of Land Management (BLM) has recently finalized its 2019 Amendments to the 2015 Greater Sage-Grouse Plans. These Amendments span five BLM field offices in Northwest Colorado, including the Little

Snake and Kremmling Field Offices where I have visited and intend to return to view Greater Sage-grouse.

13. Because of my interests and experiences visiting this part of Colorado, I care very much about how BLM is managing these public lands, especially with regard to greater sage-grouse conservation. I am very concerned that increased oil and gas development, combined with fewer meaningful protections for greater sage-grouse, will cause the grouse and its sagebrush habitat to decline even further in this region and throughout the western United States. Additional road building, pipelines, powerlines and lax range-management practices will make it harder to find active leks with healthy grouse populations. More roads, more oil and gas rigs, and other development will reduce my enjoyment of the natural world, and will make me less likely to recreate in these areas as it becomes less achievable to find, observe and photograph wildlife. Being unable to view greater sage-grouse in the future will harm me, as I take great satisfaction from bird-watching and photography.

14. I am very concerned that the Bureau of Land Management's decision to revise the 2015 Greater Sage-Grouse Plans was based on improper political concerns rather than following the best available science regarding how to manage the sage-grouse to ensure sustainable populations. I read in E&E News on March 6, 2019 that Deputy Secretary David Bernhardt boasted that the real process regarding changes to the plans was based on what each governor wanted. The article states that Deputy Secretary Bernhardt said in his speech the following: "I basically said, 'Ah, governor, do you like your plan? If the answer's yes, you can keep your plan; we'll keep our plan. If the answer's no, then in that case let's talk about the changes you would make.'" Scott

Streater, *Bernhardt: Revisions to Obama-era plans ended in a pretty good place*, E&E News (Mar. 6, 2019), <https://www.eenews.net/eenewspm/stories/1060123355/>. This type of decision-making is not based in science, does not seem fair from the perspective of considering the views of the public, and does not appear to fairly consider the needs of conserving sage-grouse, sagebrush habitat, and the environment.

15. A ruling by the Court that BLM violated the law in adopting the 2019 Sage-Grouse Plan Amendments and enjoining those Amendments from taking effect will help ensure that BLM fully and fairly discloses the impacts of its sage-grouse management activities to the public and follows the best available science, and will prevent irreparable harm to sage-grouse and my own interests, as well as other CBD staff and member interests, that will otherwise occur if this Administration moves forward to implement the weakened sage-grouse plans through new approvals of oil and gas leasing and development in Colorado and other states in the sage-grouse range where I frequently visit in hopes of viewing and enjoying sage-grouse in their natural habitats.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 15th day of April, 2019, in Prescott, Arizona.



Brett Hartl