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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 JOHN C.
HORNING**

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

I, John Horning, declare as follows:

1. My name is John Horning. I am personally aware of the matters set forth below, and if called as a witness, could truthfully testify thereto.

2. Since April 2002, I have served as Executive Director of WildEarth Guardians (“Guardians”). I am currently a supporter and member of Guardians and have been since 1992.

WildEarth Guardians’ Interests in Sage-Grouse Conservation.

3. Guardians is a non-profit organization dedicated to protecting and restoring the wildlife, wild places, wild rivers, and health of the American West. Headquartered in Santa Fe, New Mexico, Guardians has staff and other offices around the West, including in Boise, Missoula, Portland and Denver. Guardians has over 230,000 members and supporters, many of whom have particular interests in conserving greater sage-grouse populations and habitats, particularly on public lands. Guardians has participated in prior sage-grouse litigation before this and other courts.

4. Guardians has already devoted more than a decade to conserving the Sagebrush Sea and species that rely on sagebrush habitats, including the greater sage-grouse. Our Sagebrush Sea Campaign focuses on the conservation of sagebrush landscapes and sage-grouse populations around the West. The Sagebrush Sea Campaign was the lead petitioner to list the greater sage-grouse under the Endangered Species Act (ESA) in 2003. More than twenty conservation groups joined the petition.

5. Western Watersheds Project, a co-Plaintiff in this case, successfully litigated a remand of the negative listing decision in 2007. Upon remand, in March 2010, the U.S. Fish and Wildlife Service found that ESA listing for the greater sage-grouse was “warranted” but “precluded” by limited resources and higher priority species, placing it on the ESA candidate list.

6. Guardians and the Center for Biological Diversity challenged the “precluded” portion of the March 2010 finding before this Court, *see W. Watersheds Project v. U.S. Fish and Wildlife Serv.*, No. 4:10-cv-229-BLW, 2012 WL 369168 (D. Idaho Feb. 2, 2012). In May 2011, Guardians entered into a historic and sweeping settlement agreement with the U.S. Fish and Wildlife Service, which ended years—and sometimes decades—of waiting for many imperiled species on the candidate list. This agreement set a 2015 deadline for the Service to make a final listing decision for the greater sage-grouse.

7. Guardians subsequently participated in the national planning process that led to the creation of the 2015 Sage Grouse Plans, encouraging the BLM and Forest Service to adopt scientifically-based conservation measures that would be adequate to protect sage-grouse. In our original Complaint in this matter, Guardians and our co-Plaintiffs challenged these 2015 plans as not doing enough for sage grouse.

Harms to Guardians’ Staff, Supporters, and Members from the 2019 Greater Sage-Grouse Plan Amendments

8. The Trump Administration’s recent efforts to undo key protections of those 2015 Plans are of great concern to Guardians and our staff, members, and supporters, who care deeply about the preservation and recovery of the greater sage-grouse species. Guardians staff, members, and supporters work, live, and recreate throughout the sagebrush-steppe ecosystem which is occupied by greater sage-grouse and affected by the 2019 Greater Sage-Grouse Plan Amendments. Our members, supporters, and staff derive recreational, aesthetic, scientific, inspirational, educational, and other benefits from these activities and have an interest in preserving the possibility of such activities in the future.

9. I have a long-standing personal interest in greater sage-grouse and the sagebrush-steppe ecosystems that exist across the American West. I have visited sagebrush ecosystems and habitats in various western states almost annually for 25 years. I have recreated on, birded, and more generally visited sage-grouse habitat in Colorado, Wyoming, Montana, Idaho, Oregon and Nevada, and will regularly continue to do so for the foreseeable future.

10. I enjoy recreating on public lands that are subject to the 2019 Sage Grouse Plan Amendments. My most recent visit to sagebrush habitats was in the summer of 2017 when I hiked in the southwestern Montana mountains that frame the Centennial Valley. I hoped to see greater sage-grouse even though the time frame—summer—was sub-optimal for doing so. My next trip to visit sage-grouse habitat will be in July/August 2019 to public lands in northwestern Colorado's Moffat County. I have, sadly, never seen sage-grouse. I have seen Gunnison sage-grouse, the very close relative of the greater sage-grouse; and have a trip to see sage-grouse on their leks in May in western Colorado near Gunnison. As long as I am able, I intend to visit public lands' sage-grouse habitats and to see sage-grouse for the rest of my life.

11. The 2019 Plan amendments open up millions of new acres of public lands to fossil fuel development, weaken restrictions on destructive livestock grazing practices, and create enormous loopholes that will allow greater disturbance and fragmentation of sagebrush habitat. Together, these changes will hasten the sage-grouse's decline toward extinction and will result in more human development on otherwise natural landscapes across the West, impairing my personal interest and the interests of other Guardians'

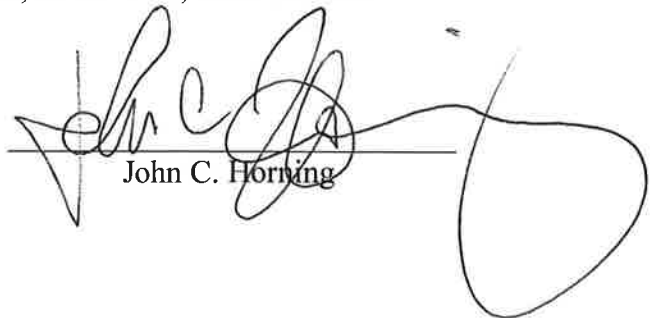
staff, members, and supporters in viewing sage-grouse in the wild and otherwise enjoying the public lands of the sagebrush steppe.

12. BLM's failure to use best available science, its failure to consider a reasonable range of alternatives, its failure to prevent unnecessary and undue degradation, and its legally deficient NEPA analysis in adopting the 2019 Sage-Grouse Plan Amendments have also impaired the ability of Guardians to ensure that greater sage-grouse are adequately conserved and protected from ESA listing. Relatedly, BLM's failure to abide by the mandates of FLPMA, NEPA and the APA has procedurally harmed the interests of Guardians' staff, members, and supporters in a careful and informed government decisionmaking process that considers environmental impacts.

13. If we win this lawsuit and BLM is required to follow the its mandates under FLPMA, NEPA and the APA, Guardians' ability to further the conservation of the greater sage-grouse will be enhanced. We will be able to give our members a fair and full opportunity to ensure that their voice is being heard by the agency. If we prevail in preventing BLM from implementing these 2019 Sage Grouse Plan Amendments, my personal ability, as well as the ability of our individual members, to see and experience greater sage-grouse in the wild, and to enjoy recreating on sagebrush habitat, will be increased.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed this 15th day of April, 2019, in Santa Fe, New Mexico.

By:



John C. Horning