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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, et al.,

Defendants.

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

**DECLARATION OF ROBIN D.
SILVER, M.D.**

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

I, Robin D. Silver, M.D., declare as follows:

1. The facts set forth in this declaration are based on my personal knowledge and if called as a witness, I could and would competently testify thereto under oath.

2. I reside in Flagstaff, Arizona. I am a member, senior staff, and one of the original founders of the Center for Biological Diversity (“the Center”) (formerly the Southwest Center for Biological Diversity). In my capacity at the Center, I am familiar

with all aspects of the Center's activities and organizational interests related to Greater Sage-Grouse.

3. The Center is a tax-exempt, non-profit, membership organization with over 1.6 million members and online activists, including over 63,000 members. The Center is incorporated in California and headquartered in Tucson, Arizona, with offices in multiple states including Idaho, Colorado, Nevada, and Utah.

4. The Center's primary mission is to protect threatened and endangered species and their habitats in both the United States and abroad. Although we pursue these objectives nationwide, much of our work focuses on advocating for habitat protection on western public lands. The Center believes that the health and vigor of human societies and the integrity and wildness of the natural environment are closely linked.

5. As part of its mission, the Center provides oversight of governmental programs, policies, and activities that affect wildlife and endangered species. The Center has been at the forefront of efforts to hold the government accountable for its obligations under the Endangered Species Act ("ESA"), National Environmental Policy Act ("NEPA"), Federal Land Policy & Management Act ("FLPMA"), and other laws protecting wildlife and their habitat. The Center regularly engages in protection efforts and campaigns to ensure that our nation's environmental laws are enforced with respect to wildlife and its habitat.

6. The Center actively develops and disseminates to its members; policymakers; local, state, federal and international governmental officials; nonprofit organizations; and interested members of the general public a wide array of educational and informational materials concerning the status of and threats to wildlife species,

including threatened, endangered, and rare species and their habitats. I rely upon the Center to represent my interests in protecting endangered species and their habitat.

7. I have been an avid wildlife and nature photographer for over three decades (see: www.robinsilverphoto.com). I have worked as a professional photographer since the late 1980's, when I first started to have my photographs published and sold. I continue to work as a professional photographer and pursue the craft as a personal hobby as well. I am a member of the National Press Photographers Association and the Professional Photographers of America. My photographs frequently appear in the press and in magazines locally, nationally, and internationally. I also donate photographic images for educational purposes and for the fundraising benefit of those who endeavor to preserve imperiled wildlife and their habitats.

8. In July 2014, I extensively toured areas of ongoing and future oil and gas development in sagebrush habitats in Utah, Wyoming, Idaho and Colorado. The following are examples of ongoing oil and gas operations that I photographed on this



visit.

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The ecological damage from drill rigs, pads, trucks, and vegetation removal that I witnessed on this particular visit is extensive with widespread habitat fragmentation.

9. I have viewed and photographed greater sage-grouse in western Wyoming on BLM lands in Sweetwater County, Wyoming, an area managed by BLM's Kemmerer Field Office. For example, following are example of images of sage-grouse that I made in July 2014.



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10. I will return to the sage grouse habitats of northwest Colorado areas in March 2020. In July of 2020, I also will be returning to eastern and northeastern Utah, specifically to lands managed by the BLM Vernal Field Office in Carbon, Grand, and Uintah Counties. These areas already experience degradation as the result of ongoing oil and gas development. Proposed future further development will increasing fragment the habitat and imperil sage grouse. The more this habitat is fragmented the less opportunities that I will personally be able to view and photograph sage grouse.

11. Much of my professional, aesthetic, recreational, and spiritual interests in these areas are dependent upon BLM's conservation of the natural sagebrush ecosystems and wildlife. Protection of these species and their habitat under FLPMA and NEPA would ensure those interests are preserved and remain free from injury.

12. The Bureau of Land Management's recent rollbacks to the 2015 sage-grouse conservation plans will significantly reduce protections on over 51 million acres of public lands across the west, including in areas where I regularly visit to photograph and recreate, particular areas in eastern and northeastern Utah and western Colorado, the watersheds of the Green and White Rivers. These amended plans will allow more unfettered grazing, oil and gas development, mining, and other activities that adversely impact sage-grouse populations and their habitat, along with the hundreds of other species that inhabit the Sagebrush Sea.

13. As someone who is deeply concerned about the fate of the imperiled sage-grouse and the health of our public lands, I am deeply troubled by this further retreat from scientifically-based protections for sage-grouse. The amended plans will allow further degradation of places where I enjoy recreating, irreparably harming my recreational, professional, and aesthetic interests in returning to these landscapes. If BLM is allowed to further implement these amended plans, I will suffer a loss of moral and spiritual health from knowing that the greater sage-grouse and other wildlife would be in decline, and an aesthetic loss from the reduced chance of seeing these species thrive in the wild. My professional work as a nature and wildlife photographer will also be negatively impacted.

14. In sum, I derive concrete, ongoing recreational, aesthetic, professional, spiritual, moral, and other benefits from the Sagebrush Sea and wildlife it harbors. BLM's rollbacks to the sage-grouse conservation plans will result in irreparable harm to my interests in these public lands.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed this 18th day of April, 2019, in Flagstaff, Arizona.

A handwritten signature in black ink, appearing to read "Robin D. Silver, M.D.", written in a cursive style.

Robin D. Silver, M.D.