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**UNITED STATES DEPARTMENT OF THE INTERIOR
OFFICE OF HEARINGS AND APPEALS
BOARD OF LAND APPEALS**

WESTERN WATERSHEDS PROJECT,
CENTER FOR BIOLOGICAL
DIVERSITY, and AMERICAN BIRD
CONSERVANCY,

Appellants,

v.

BUREAU OF LAND MANAGEMENT,

Respondent.

IBLA No. _____

Appeal of the Decision Record, Finding of
No Significant Impact, Environmental
Assessment DOI-BLM-UT-W020-2017-
0001-EA for the September 2017
Competitive Oil and Gas Lease Sale

DECLARATION OF KEVIN MUELLER

I, Kevin Mueller, declare as follows:

1. My name is Kevin Mueller. I currently reside in Martinez, California.
2. Prior to moving to California in 2016, I lived in Utah for 19 years. My first experience in Utah was a college field study program called “Across the Great Divide,” through which I spend a summer term studying field biology, field geology, and western water issues. At that time I studied and fell in love with the geology and biology of every major ecoregion in

Utah, including the mountains of south-central Utah as well as Utah's West Desert (which is a part of the Basin and Range or Great Basin region). I moved to Utah a couple weeks after graduating from college in 1997 and did not move out of the state until last year. I have lived longer in Utah than anywhere else in my life.

3. I have a bachelor's degree from Hobart College with an individual major that I designed in Island Biogeography and the American Environmental Movement.

4. I am a long-time member and supporter of Western Watersheds Project ("WWP"). I also now serve as WWP's California Director. As a member and employee, I am very familiar with WWP and its long-time effort to protect and conserve greater sage-grouse populations and habitats across the West.

5. WWP is a non-profit organization with more than 5,000 members and supporters, many of whom have particular interests in conserving greater sage-grouse populations and habitats, particularly on public lands. Our mission is to protect and restore western watersheds and wildlife through education, public policy initiatives, and legal advocacy.

6. WWP history of advocacy for the greater sage-grouse goes back at least to 2003, when we petitioned for Endangered Species Act (ESA) listing of greater sage-grouse, along with other groups. WWP then successfully challenged the U.S. Fish and Wildlife Service's 2005 "not warranted" finding for greater sage-grouse in 2007, which the court held was based on improper political interference in the listing decision and disregarded the science showing sage-grouse declines and threats. *See Western Watersheds Project v. U.S. Fish and Wildlife Service*, 535 F. Supp. 2d 1173 (D. Idaho 2007). That ruling resulted in the Service's subsequent 2010 ESA listing decision that found greater sage-grouse to be "warranted, but precluded" for ESA listing in 2010, thus adding it to the Candidate Species list. *See* 75 Fed. Reg. 13910 (March 5, 2010).

7. WWP has also sought to protect sage-grouse from adverse impacts of livestock grazing through numerous cases and appeals in the Great Basin region for failing to fully assess impacts and apply adequate conservation measures for sage-grouse. *See, e.g., Western Watersheds Project v. Jewell*, 56 F. Supp. 3d 1182 (D. Idaho 2014) (BLM violated NEPA and FLPMA in renewing dozens of grazing permits in key sage-grouse habitat in southern Idaho); *Western Watersheds Project v. Salazar*, 843 F. Supp. 2d 1105 (D. Idaho 2012) (BLM violated NEPA and FLPMA in renewing grazing permits without considering cumulative impacts on sage-grouse and RMP duties to prioritize protection of sage-grouse as a sensitive species); *Western Watersheds Project v. Bennett*, 392 F.Supp.2d 1217 (D. Idaho 2005) (BLM violated NEPA and FLPMA in approving livestock grazing permits without adequately considering and protecting sage-grouse).

8. WWP also challenged BLM's failure to adequately consider and protect sage-grouse in a suite of Resource Management Plans adopted in 2008 in Utah, Wyoming, Nevada, Idaho, Montana, and California to adequately protect sage-grouse habitats; that litigation has resulted in two rulings thus far in WWP's favor. *See Western Watersheds Project v. Salazar*, 2011 WL 4526746 (D. Idaho 2011); *Western Watersheds Project v. Salazar*, 843 F. Supp. 2d 1105 (D. Idaho 2012).

9. WWP actively advocated for strong, enforceable, scientifically sound sage-grouse protections through the National Greater Sage-grouse Planning Strategy that BLM and Forest Service undertook from 2011-2015, including by submitting extensive comments during the planning process. That planning process resulted in BLM adopting the 2015 Utah Greater Sage-grouse RMP Amendment ("ARMPA") which covers the Sheeprocks sage-grouse population.

10. I and many other WWP members and staff are active in enjoying greater sage-grouse, viewing and photographing these birds and their spectacular mating dance during their spring lek rituals as well as at other times of year. I and many other WWP staff and members actively recreate in, use, and enjoy greater sage-grouse habitats throughout the Intermountain West.

11. I have been involved in environmental conservation for my entire professional career. From 2013 to 2016, I was WildEarth Guardians' Utah-Southern Rockies Conservation Manager. From 1999 to 2013, I variously served as Utah Environmental Congress's ("UEC") Executive Director, Program Director, and Roadless Area Coordinator. Prior to being employed at UEC I served as one of its founding board members. In my roughly 16 years of involvement with UEC I conducted its state-wide inventory of roadless areas on National Forests in Utah, which includes nearby portions of the West Desert including but not limited to the Sheeprocks and Canyons mountain. I came to be intimately familiar with the valleys associated with the Sheeprocks via both work and personal recreational pursuits stretching almost 20 continuous years. This includes many years of administrative and legal advocacy for sage grouse and advocacy to ensure maintenance of viable local populations of this unique and magically beautiful sage brush obligate species.

12. From 1997 to 1999 I was employed by the American Lands Alliance via its local project named the Wild Utah Forest Campaign. During that time I learned how to adapt the Utah Wilderness Coalition's ("UWC") field-based Wilderness inventory methodology to National Forests. At this time I also volunteered and occasionally did contract work for UWC helping it complete its reinventory of Bureau of Land Management lands potentially qualifying for Wilderness in the West Desert.

13. It was at this time that I first became very familiar with this lease area and the associated West Hills. These leasing parcels associated with Dog Valley and the West Hills are, literally, one of the major gateways to Utah's remote and spectacular West Desert Region. The southern portion of the Wasatch Front associated with Nephi is divided from the West Desert by the pass at the north end of the West Hills (through which highway 132 travels). Traveling from east to west, it is right as you come over the West Hills that one finds oneself breathing a deep sigh of relief and relaxation as one enters into the remote and magically quiet West Desert. This is exactly where the proposed oil and gas lease parcels overlap with the sage grouse Priority Habitat Management Areas (PHMA).

14. It is very likely I will move back to where I used to live in Utah. A big reason I moved to California last year was to be closer to family, including my mother who is facing the challenges of Alzheimer's disease.

15. I have visited, recreated, and also driven through this gateway to Utah's West Desert so many times over the last two decades that I have lost count. In the 2000's I recreated in and drove through this area about a half dozen times per year. After that I visited this area two or three times a year on average to recreate.

16. I absolutely love the geology, biology, and exploring the natural history of relatively remote and obscure parts of the West Desert including the impacted GHMA and lease parcels. This is my way of grounding, relaxing, and recreating; it's my source of rejuvenation.

17. Oil and gas leasing in this area would irrevocably harm my use and enjoyment of this wonderful landscape and its natural treasures. The knowledge that this area is leased and at risk for ugly, toxically smelling, and various other destructive to the natural ecosystem including sage grouse is a primary cause for this harm. Additionally as this is one of my, and many other

West Desert lovers', primary gateways to the West Desert, this will notably trash the value of the West Desert as a whole.

18. Leasing would also impair my future plans to visit the West Desert area. As noted above this will inevitably impact my ability to practice healthy grounding and rejuvenation. I am deeply hopeful that this area will be protected for the sage grouse so I may return, as I absolutely plan to do, in the future with the understanding that it will not be at risk of being trashed and the sage grouse obligate habitats biologically hammered and degraded by activities associated with oil and gas exploration. Construction of oil wells, roads, and other surface infrastructure would degrade the scenery, wildlife, and wilderness values in the region and deter me from visiting the region to recreate and to practice grounding, mindfulness and rejuvenation.

I declare under penalty of perjury pursuant to the laws of the United States that the foregoing is true and correct. Executed on this 27th day of October, 2017 in Martinez, California.

/s/ Kevin Mueller

Kevin Mueller