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Attorneys for Plaintiff Center for Biological Diversity

UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA  
PRESCOTT DIVISION

CENTER FOR BIOLOGICAL  
DIVERSITY,

Plaintiff,

v.

U.S. BUREAU OF LAND  
MANAGEMENT; RON WENKER,  
Acting Director of U.S. Bureau of Land  
Management; JAMES KENNA, BLM  
Arizona State Director; KEN SALAZAR,  
Secretary of Interior, and U.S. FISH AND  
WILDLIFE SERVICE,

Defendants,

NATIONAL RIFLE ASSOCIATION,

Defendant-Intervenor.

Case No. CV 09-8011-PGR

**DECLARATION OF TAYLOR  
MCKINNON IN SUPPORT OF  
PLAINTIFF CENTER FOR  
BIOLOGICAL DIVERSITY'S  
MOTION FOR SUMMARY  
JUDGMENT**

Court: Courtroom 601  
Judge: Hon. Paul G Rosenblatt

## DECLARATION OF TAYLOR MCKINNON

I, TAYLOR MCKINNON, 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. As to those matters which reflect a matter of opinion, they reflect my personal opinion and judgment upon the matter.

2. I currently reside in Flagstaff, Arizona. One of the main reasons I chose Flagstaff for my home is due to its proximity to the Arizona Strip and the surrounding wilderness and natural areas.

3. I have been employed by and a member of the Center for Biological Diversity (“the Center”) since 2007. In my capacity as the Center’s Public Lands Campaigns Director I work to ensure that the country’s public lands are managed for the benefit of their species and ecosystems in a warming climate. The Center is a non-profit organization committed to the preservation, protection, and restoration of native species and the ecosystems they depend upon. Among many species, the Center advocates for protection and recovery of the desert tortoise and the California condor and the species’ habitat. I rely upon the Center to represent my interests in protecting endangered species and their habitat. Prior to joining the Center, I was a natural history and river guide in southeast Utah and worked as the Grand Canyon Trust's forest conservation director.

4. I first visited the Arizona Strip approximately 10 years ago, and have since returned approximately a half-dozen times. I have visited the Grand Canyon-Parashant National Monument, the Vermillion Cliffs National Monument, the Kaibab Plateau, the Tuweep Wilderness, Mt. Trumbull, House Rock Valley, and many other areas in the Arizona Strip. These visits have influenced me greatly, and my interest in the Arizona Strip, its wildlife, and natural beauty has increased with each successive visit.

5. I plan to return to the Arizona Strip frequently in the near future, most immediately on a trip I have planned for October to the Grand Canyon – Parashant

National Monument, specifically to the Grand Wash Cliffs Wilderness Area, Pakoon Wildlife Habitat Area and the Pakoon Spring restoration area, as well as the surrounding region. I intend to visit many parts of these areas away from designated roads and trails and I will be specifically looking for desert tortoises to observe them and the health of their habitat.

6. I particularly appreciate and take value from the wilderness character of the Arizona Strip, its remoteness and ruggedness, its expansive viewscapes unimpeded by evidence of humans and other development, and its intensely serene quietness.

7. One of my hobbies is landscape photography. I have traveled to the Arizona Strip to photograph its breathtaking and expansive vistas in the infinite varieties of light experienced throughout the year and even throughout a single day. I plan on returning this fall to take more photos of this landscape and will return frequently in the near future.

8. I derive strong recreational, aesthetic, scientific, professional, moral and spiritual benefits from visiting the Arizona Strip, from knowing that this public land continues to exist in its natural state and as a functioning and wonderful ecosystem, from observing endangered species, from recreating in their habitat, and from knowing that they live and thrive as and where they do.

9. I have experienced first-hand the damage to the desert flora and the land caused by ORV tracks.

10. I have observed ORV use close enough to me to significantly disturb the quietness and solitude I had traveled to the Arizona Strip to experience.

11. I have witnessed cattle grazing and observed the impacts to the desert and its plants caused by the grazing. I've taken particular notice in the Arizona Strip of the degradation of native grasslands and their replacement with invasive species like cheatgrass, as well as the destruction of biological soil crusts facilitated by cattle grazing.

12. Both grazing and ORV use in the Arizona Strip has negatively affected my recreational and aesthetic enjoyment of the area.

13. One of my goals in traveling to the Arizona Strip has been to witness and observe California condors. I have had the great fortune of being able to observe condors soaring overhead in the Arizona Strip. These spectacular birds' incredible wingspans, ancient-looking appearance, and gentle, beautiful soaring behavior invoke for me a deep appreciation and understanding of the landscape, the ecosystem, the winds and the weather of the Arizona Strip. These experiences observing condors in turn have invoked in me a deeper understanding of my relationship to these natural places as well as to the larger region of northern Arizona and to Earth in general.

14. I have read about the impacts of lead poisoning on condors and am aware that it is a major cause of the species not being able to exist independently, even in a place as rugged and wild as the Arizona Strip. I am aware that lead poisoning from hunter-shot lead ammunition is the leading cause of mortality of the species and not only threatens to prevent the species from ever recovering but also has the potential to push it further towards extinction. I am deeply concerned for the future of this species, especially for its ability to continue flying free throughout the Arizona Strip and the surrounding lands and for my ability to continue to travel to the Arizona Strip to witness it in person.

15. Although I have never seen a desert tortoise in the Arizona Strip, when traveling in the area I am acutely aware that I am in their habitat and that I am among them. I have visited desert tortoise habitat and intend to visit this habitat again, with the hopes of one day witnessing this amazing creature. But just knowing that they exist and are in close proximity is important to me and is an important reason for why I visit the Arizona Strip.

16. My interests are being harmed and face further harm due to the failure of the U.S. Fish and Wildlife Service (FWS) and the U.S. Bureau of Land Management

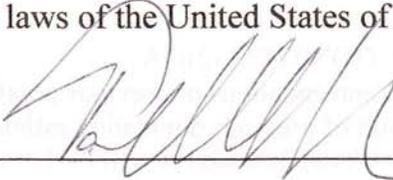
(BLM) to ensure the federally-listed species in the Arizona Strip will not be jeopardized by the Arizona Strip Resource Management Plan. Continuing to allow grazing and ORV use on much of this land will not only adversely impact the critical habitat of listed species, but will not facilitate their recovery, as is required by the Endangered Species Act.

17. As someone who is deeply concerned about the fate of our imperiled wildlife and health of our public lands, I am troubled by the failure of the FWS and BLM to prevent the continued degradation of the Arizona Strip ecosystem, which is home to so many listed species that depend on such protection to survive. If species like the desert tortoise remain on the decline in areas like the Arizona Strip, I will suffer a great loss, because it is our goal to recover these magnificent species, and that goal cannot be achieved without protecting them from significant threats to their well-being, particularly grazing and off-road vehicle use. Personally, I will suffer: 1) a loss of biological health, as the environment will be degraded by the reduction in listed species, which are integral parts of the ecosystem; 2) a loss of moral and spiritual health, from knowing that these species would be in decline; 3) an aesthetic loss, from the reduced chance and potential loss of a chance to see these species thrive in the wild; 4) a recreational loss, as my outdoor enjoyment is diminished when animals such as the desert tortoise are extirpated from areas where I like to recreate.

18. In sum, I derive concrete, ongoing recreational, aesthetic, professional, spiritual, moral, and other benefits from the Arizona Strip and the wildlife it harbors, and my interests will be harmed if a Resource Management Plan is not implemented that will sufficiently protect these interests by insuring against further habitat degradation and loss of these native species and their habitat.

Executed on September 15, 2010, at Flagstaff, Arizona.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.



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TAYLOR MCKINNON