

EXHIBIT 2

Declaration of James Dodson (Jan. 4, 2007)

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

County of Inyo,)	
)	
Plaintiff,)	Civ. No. 1:06cv1502 (AWI-DLB)
)	
v.)	
)	
United States Dep't of the Interior <i>et al.</i> ,)	
)	
Defendants, and)	
)	
Sierra Club, <i>et al.</i> ,)	
)	
Proposed Defendant-Intervenors)	
_____)	

DECLARATION OF JAMES DODSON

City of Lancaster)
)
State of California)

I, James Dodson, declare as follows:

1. I am a member of the Sierra Club, member of the Board of Directors of the California Wilderness Coalition, and a member of the National Parks Conservation Association and The Wilderness Society. I make this Declaration on the basis of personal knowledge, and I am competent to testify to the matter stated herein. This Declaration is submitted in support of the Sierra Club *et al.*'s Motion to Intervene in the above captioned matter.

Sierra Club

2. I am a member of the Sierra Club and I am an active participant in the Sierra Club California/Nevada Regional Conservation Desert Committee. I am generally familiar with current and past activities of the Sierra Club in the California Desert. I served as a member of

the Board of Directors of the Sierra Club from 1993-94, and was Treasurer of the Club in 1991-94.

3. Founded in 1892, the Sierra Club is a national, non-profit membership organization with over 700,000 members dedicated to exploring, enjoying, and protecting the wild places of the earth; to practicing and promoting responsible use of the earth's ecosystems and resources; to educating and enlisting humanity to protect and restore the quality of the natural environment; and to using all lawful means to carry out these objectives. The Sierra Club frequently files citizen suits to stop activities that violate local, state or federal environmental laws and cause harm or potentially will cause harm to the natural environment. Over 150,000 Sierra Club members reside in California. The Sierra Club maintains its national headquarters in San Francisco, California. Sierra Club members actively use the California deserts and particularly Last Chance Canyon, Greenwater Canyon, and Greenwater Valley for recreational and aesthetic purposes such as hiking and nature study. Protecting these areas, all of which are now within Death Valley National Park, has been a priority of the Sierra Club for nearly four decades.

California Wilderness Coalition

4. I am a member of the Board of the California Wilderness Coalition (CWC), a position I have held since 2003. Through that position, I am familiar with both the historical and current activities of CWC.

5. CWC is a statewide, non-profit organization that was founded in 1976. CWC defends the pristine landscapes that make California unique, providing clean air and water, a home to wildlife, and a place for recreation and spiritual renewal. CWC is the only organization

dedicated to protecting and restoring California's wild places and native biodiversity on a statewide level.

6. CWC has long worked for the enactment of legislation and policies that provide for the sound management of federal public lands managed in California. CWC's efforts have been particularly focused on protecting the ecological, historical, cultural, recreational, spiritual, and other benefits the public land provide.

7. CWC typically pursues protection and enhancement of federal public lands through both legislative and administrative means, including federal wilderness, national park or national conservation area designation, and administrative processes, such as land use plans and management decisions that create special management areas. CWC staff participate in information gathering and dissemination, education and public outreach, commenting upon proposed government actions, and other activities relating to the management of federal public lands, including lands managed by the Bureau of Land Management (BLM) and the National Park Service (NPS).

National Parks Conservation Association

8. I am now and have been in the past a member of the National Parks Conservation Association (NPCA). NPCA is a national, non-profit conservation organization with members in nearly every state, including the State of California. Through my membership in NPCA and my long-time participation as an activist with other conservation groups, I am familiar with both the historical and current activities of NPCA.

9. NPCA was founded in 1919 and is devoted to protect and enhance America's National Park System for present and future generations. NPCA has long worked for the enactment of legislation and policies that provide for the sound management of our nation's

public lands managed by the National Park Service (NPS). Our efforts have been particularly focused on protecting the ecological, historical, cultural, recreational, spiritual, and other benefits that NPS lands provide.

10. NPCA typically pursues protection and enhancement of National Parks through both legislative and administrative means, including the designation of deserving public lands as national parks or national monuments, and administrative processes, such as land use plans and management decisions that create special management areas. NPCA staff participate in information gathering and dissemination, education and public outreach, commenting upon proposed government actions, and other activities relating to the management of NPS lands.

11. NPCA and its approximately 325,000 members nationwide, including approximately 50,000 members in the State of California, have a keen and long-standing interest in the preservation of the unique resources of Death Valley National Park.

The Wilderness Society

12. I have been in the past and am now a member of The Wilderness Society (TWS). TWS is a national, non-profit conservation organization with over 205,000 members nationwide, including approximately 30,000 members in the State of California. Through my membership in TWS and my long-time participation as an activist with other conservation groups, I am familiar with both the historical and current activities of TWS.

13. The Wilderness Society was formed in 1935 and is devoted to preserving wilderness, forests, parks, rivers, deserts, and shorelands, and committed to fostering an American land ethic. Its mission is to protect America's wilderness and wildlife and to develop a nationwide network of wild lands through public education, scientific analysis and advocacy. TWS's goal is to ensure that future generations will enjoy the clean air and water, wildlife,

beauty and opportunities for recreation and renewal that pristine forests, rivers, deserts, and mountains provide.

14. TWS has long worked for the enactment of legislation and policies that provide for the sound management of our nation's public lands managed by the federal government, including the Bureau of Land Management (BLM) and the National Park Service (NPS). Our efforts have been particularly focused on protecting wilderness quality lands managed by the federal government including BLM and NPS lands and the ecological, historical, cultural, recreational, spiritual, and other benefits they provide.

15. TWS typically pursues protection of these resources through both legislative and administrative means, including national park, national conservation area and monument designations, wilderness legislation, and administrative processes, such as land use plans and management decisions that create special management areas. TWS staff participate in information gathering and dissemination, education and public outreach, commenting upon proposed government actions, and other activities relating to the management of BLM and NPS lands.

Conservation Groups and the Protection of the California Desert

16. Citizen efforts to protect the lands that became Death Valley National Park have a history that stretches back at least four decades. In the late 1960s, citizen groups, including the Sierra Club, became concerned about the considerable environmental damage caused by the cross-country "Barstow to Vegas" dirt bike race that was permitted by the Bureau of Land Management in the area. In addition, Sierra Club members were concerned about the damaging impacts of off-road vehicular use in general, and of new mining and industrial developments proposals that indicated we were at a "tipping point" for the future of the California Desert. As a

result in part of citizen concern, especially by the Sierra Club but from The Wilderness Society and other groups as well, Senator Cranston of California and others introduced and eventually achieved passage of provisions that mandated special management for the California Desert Conservation Area (CDCA) in 1976. These provisions were included in the Federal Land Policy and Management Act and provide for, among other things, the “immediate and future protection and administration of the public lands in the California desert” 43 U.S.C. § 1781(b). The CDCA provisions required BLM to complete a management plan for the area by September 30, 1980. 43 U.S.C. § 1781(d).

17. At the same time as BLM was preparing its Desert Plan, BLM was also inventorying for and identifying lands as Wilderness Study Areas, as required by FLPMA § 603. BLM’s Wilderness Inventory was an integral part of the Desert Plan process. The Sierra Club Desert Committee and other conservation organizations had several dozen volunteers leading “inventory” trips to all parts of the desert, and had many of them “adopt” potential wilderness study areas to facilitate citizen involvement in the process. The groups’ coordinated process insured that conservation organizations made formal comments for the administrative record on each potential WSA. I was the coordinator for environmental comments on wilderness.

18. The Desert Plan, as finalized, was significantly weaker than conservationists had originally hoped, but it was at least a step in the right direction. However, under Interior Secretary James Watt in 1982, BLM promulgated the first set of significant amendments of the Desert Plan, as provided by the CDCA provisions in FLPMA. See 43 U.S.C. § 1781(i) (requiring DOI to prepare annual reports on implementation of the Plan) and FLPMA’s amendment provisions. Most of the proposed amendments severely undercut the environmental protection the Desert Plan contained. Conservationists doubted that the Desert Plan could be

counted on to prevent ecological damage, since any protections could be taken away with Plan amendments. Southern California Sierra Club activists, of whom I was one, began formulating a strategy to achieve national park, wilderness, and/or other protective designations for the millions of acres of BLM lands at risk.

19. In the early 1980s, conservationists founded the California Desert Protection League. Judy Anderson, Elden Hughes, and I became the directors of the League, which served as a venue for all of the interested conservation groups – including the Sierra Club, CWC, NPCA, and TWS – to come together to agree on strategy and actions for achieving our mutually-agreed goal. George Barnes, another Sierra Club member, and I together drew the maps of suggested National Park, wilderness, and other boundaries for that part of public lands that we proposed become Death Valley National Park. These maps, with few changes, were accepted by Congressional sponsors and became law in 1994. I and others spent hundreds of hours in the field taking photographs and inventorying land values to assist in drawing these lines. I helped organize some of the hundreds of volunteers to undertake these inventories. We made sure that we had collected photos and developed narrative descriptions of every location for which we would urge Congressional protection.

20. I performed all this work as a volunteer in my free time apart from my job as a financial manager for the United States Air Force. Virtually all of the principals in the California Desert Protection League were, like me, volunteers. In the 1990s, however, TWS and the Sierra Club together hired two staff people to work full time to press for passage of the California Desert Protection Act (CDPA).

21. I was the League director tasked with working to convince political leaders to support the bill. In the 1980s and early 1990s, I met repeatedly with the staff of U.S. Senator

Alan Cranston and later that of Senator Dianne Feinstein, both of whom sponsored versions of the legislation that became the California Desert Protection Act (CDPA). In our initial meetings with Senator Cranston and his staff in the mid-1980s, we worked to convince him to introduce not a bill with a few wilderness areas in it, but a broader bill that would protect about 10 million acres of the California Desert. He ultimately agreed. I met with numerous other Senators and members of the House of Representatives. I particularly remember the meeting at which Senator Mark O. Hatfield of Oregon became the first Republican to co-sponsor the CDPA.

22. I also led dozens of field trips and site visits for media, including National Geographic, the New York Times, and Sunset Magazine. We hoped these field trips would educate Californians and those across the nation that nearly one-fourth of the State of California was not mountains or beaches but our stark and beautiful desert that needed protection. I also organized numerous site visits with entertainment celebrities (such as Morgan Fairchild and Ed Begley, Jr.) to increase public awareness of the need to protect the California desert.

23. I am also aware of the many other activities undertaken with the support and assistance of the California Desert Protection League and its member groups (including Sierra Club, CWC, NPCA and TWS) to seek passage of the CDPA. These included issuing action alerts, activating phone trees in California and across the nation to press lawmakers to support the legislation, taking and distributing photos, creating videos, and the publication of the “Desert Report” newsletter that was distributed to hundreds of supporters of desert protection.

Wilderness Areas Threatened by This Litigation

24. The CDPA became law on October 31, 1994. Among the areas designated as wilderness and designated as part of Death Valley National Park included lands traversed by Inyo County’s alleged Petro Road through the Greenwater Range. The Greenwater Range was

inventoried by BLM in the late 1970s, and found to be roadless and to possess wilderness characteristics. BLM thus designated the area as a “wilderness study area” (WSA) in 1979. The Sierra Club, CWC, NPCA and TWS all pressed for designation of this area as wilderness in the 1980s and early 1990s. In addition, the Sierra Club, CWC, NPCA and TWS all pressed BLM to designate this area as a WSA in the late 1970s.

25. The CDPA also designated as wilderness those lands traversed by Inyo County’s alleged Last Chance Canyon route or routes. This area was inventoried by BLM in the late 1970s, and was also found to be roadless and to possess wilderness characteristics. BLM thus designated the area as the “Last Chance Mountain” WSA in 1979. The Sierra Club, CWC, NPCA and TWS all pressed for designation of this area as wilderness in the 1980s and early 1990s. In addition, the Sierra Club, CWC, NPCA and TWS all pressed BLM to designate this area as a WSA in the late 1970s.

26. The CDPA also designated as wilderness those lands traversed by Inyo County’s alleged Lost Section route or routes. This area was inventoried by BLM in the late 1970s, and found to be roadless and to possess wilderness characteristics. BLM designated the area as the “Greenwater Valley” WSA in 1979. The Sierra Club, CWC, NPCA and TWS all pressed for designation of this area as wilderness in the 1980s and early 1990s. In addition, the Sierra Club, CWC, NPCA and TWS all pressed BLM to designate this area as a WSA in the late 1970s.

My Involvement and Injury

27. In the late 1980s, I hiked up part of the southern section of the Last Chance Canyon route claimed by Inyo County as a “highway.” Canyons in the desert, including Last Chance Canyon, are great for birdwatching in the spring when migrants come through on their way north. I intend to return to Last Chance Canyon in the next six months.

28. In the mid-1980s, I hiked up part of the southern section of the Petro route claimed by Inyo County as a "highway." Here, the route cuts through Greenwater Canyon, which is renowned for its archeological sites, including petroglyph panels. It is my recollection that one of the reasons we proposed this area be designated wilderness was to protect these archeological sites from the easy looting that can accompany motorized access. I intend to return to Greenwater Canyon in the next six months.

29. In the mid-1980s, I visited the Greenwater Valley and enjoyed the scenery directly adjacent to the "Lost Section" route claimed as a public highway by Inyo County. The route terminates at its southern end near Gold Valley, which has a lot of old cultural and historic sites, great scenery, and interesting bird and reptile habitat. I intend to return to Greenwater Valley and the area of the Lost Section claim in the next six months.

30. I use, enjoy, and work to protect the natural resources on many NPS lands in the California desert and in Death Valley National Park for recreational, scientific, spiritual, educational, and aesthetic purposes and have used and enjoyed for these same purposes the Death Valley National Park lands that are crossed by the routes claimed by Inyo County that traverse wilderness lands in Greenwater Canyon, Greenwater Valley, and Last Chance Canyon. I particularly value the solitude and quiet that hiking, camping and exploring these areas provide. I seek out isolated canyons such as Greenwater and Last Chance, and remote valleys, such as Greenwater, in order to enjoy solitude, observe wildlife and cultural resources, appreciate the wonders of nature in a largely natural state, and appreciate the scenery that can be found in these areas. Because I value quiet, naturalness, wildlife, archeological resources and solitude, I seek out wilderness lands which are protected from public motor vehicle use and road construction.

31. I am generally aware of the impacts that vehicle use, road widening and road construction can cause in desert canyons and valleys such as those at stake here. Motor vehicle use can crush and destroy vegetation, cause roadkill, frighten wildlife, disrupt quiet and solitude, and import invasive, non-native plant species. Similarly, road widening and road construction can scrape habitat down to bare dirt, modify waterflows in a way that harms habitat downstream, crush animal burrows, leave scars in the fragile desert that may take years or decades to heal, lead to increased off-road use, and facilitate vandalism or destruction of cultural resources. All of these impacts are likely should Inyo County gain the right to expand each route to a two-lane road or wider, and to build drainage ditches and related structures. Currently, in many places, the width of disturbance on historically traveled routes where they existed at Greenwater and Last Chance Canyons is far narrower than a two-lane highway. Widening the routes to two lanes or more would cause tremendous disturbance to natural features in each canyons. Further, widening and building ditches and other structures in Greenwater Valley along the Lost Section route would damage habitat for wildlife, including the desert tortoise.

32. I am aware that Inyo County seeks in its complaint in this case to open to vehicle use the Petro route in Greenwater Canyon, the Last Chance route in Last Chance Canyon, and the Lost Section route in Greenwater Valley. I am also aware that Inyo County seeks to tear down obstructions closing the routes, and seeks the right to widen the routes and build culverts, ditches and other structures adjacent to the routes. If Inyo County wins the relief it seeks, I will suffer considerable injury. Such ripping out of NPS property, opening routes to vehicle use, widening routes and building related structures would destroy vegetation, disturb or kill wildlife, and eliminate habitat. It would harm my appreciation of the natural, wildlife, archeological, and

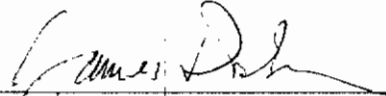
scenic values, and the quiet of these areas that I so value, and that I visit these places to enjoy. If Inyo County wins the relief it seeks, I am far less likely to return to these areas.

33. Further, two of Inyo County's claimed routes – the Petro route and Last Chance route – bifurcate large areas of designated wilderness. The relief Inyo County seeks would cut large wilderness areas in two, making it more difficult for NPS to manage these lands to protect their wilderness character. Because I seek out wilderness lands for their wild, natural character, I am less likely to return to lands where NPS cannot effectively manage to protect wilderness character. Therefore, if Inyo County wins the relief it seeks, I am less likely to visit the lands burdened by the County's claimed rights-of-way because of the harm caused to the land's wilderness character.

34. As an avid hiker, birdwatcher, landscape and nature photographer, and amateur desert ecologist intimately familiar with California Desert and Death Valley National Park, it is my opinion that the relief Inyo County seeks in its complaint – a right-of-way to the claimed routes and the ability to permit motor vehicle use and “road” widening and other construction – would cause substantial damage to the desert lands, wildlife, archeology, and the beauty and solitude of Greenwater Canyon and Valley, and Last Chance Canyon. If that occurs, my deep personal interests and commitment to the protections of these areas will be harmed, and decades of effort that I put in to the protection of these areas will be damaged.

Pursuant to 28 U.S.C. Sec. 1746, I DECLARE, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 4 Jan, 2007 in Lancaster, California

A handwritten signature in cursive script, appearing to read "James Dodson", written over a horizontal line.

James Dodson