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**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA,

Plaintiff,

v.

CLIVEN BUNDY,

Defendant.

No. 2:12-cv-804-LDG-GWF

**DECLARATION BY  
MARK BOATWRIGHT**

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**DECLARATION OF MARK BOATWRIGHT**

I, Mark Boatwright, do declare as follows:

I have personal knowledge of the matters set forth in this Declaration.

1. I am currently an Archaeologist for the Bureau of Land Management (BLM) Southern Nevada District Office (SNDO), Red Rock/Sloan Canyon National Conservation Areas Field Office, located in Las Vegas, Nevada. I have served in this position since 2005. I am familiar with the Gold Butte area and the surrounding Mesquite area.
2. My normal duties include monitoring significant cultural sites on public lands, assisting the Southern Nevada Agency Partnership (SNAP) Cultural Team with providing oversight to the Interagency Clark County Cultural Site Stewardship Team (ICCSST) and the associated volunteer program to protect and conserve cultural sites on lands under the administration of the federal government, specifically the BLM in Southern Nevada. Presently, I am the interagency Lead Archaeologist for the SNAP ICCSST.
3. As the Lead BLM Archaeologist for ICCSST, I am also assigned to document Archaeological Resource Protection Act (ARPA) violations throughout the District. This work is accomplished through the development of ARPA Damage Assessment Reports and treating ARPA violations through emergency restoration activities. I also work closely with federal law enforcement officers and with the other Cultural Resource Specialists within the District as needed to address ARPA violations.
4. Since early 2006, based on my experience working for the SNDO in the Gold Butte area, I am aware that there has not been any authorized grazing in the Gold Butte area since the late 1990s, except for cattle grazing in the Lower Mormon Mesa Allotment.
5. Since coming to work with the BLM SNDO, I have made periodic site visits to the Gold Butte area and have observed cattle grazing on public lands closed to livestock grazing. The effects of cattle grazing to archaeological site within the Gold Butte Area have been reported and documented through Cultural Site Steward reports, which date from 2003 to 2012.
6. Based on reports during a March 2011 cattle trespass investigation that revealed apparent archeological damage from unauthorized livestock grazing within the Gold Butte Area, I was asked by BLM Law Enforcement to investigate and document cattle-related damage to known archaeological sites in the Gold Butte area. I performed field work on three separate days during June 2011.
7. The archeological damage that I documented in June 2011 consisted principally of surface damage related to the mixing of on-site surface soils by cattle, including cattle bedding down in shaded areas such as rock shelters, and walking through areas immediately near rock shelters and/or petroglyph panels. I particularly noted damage in relation to midden areas, or prehistoric trash mounds, resulting in the loss of context and integrity of these features, and in some instances, also to significant surface portions of the sites. Damage reported by the Cultural Site Stewards from their prior observations was similar to the kind of damage that I personally observed in June 2011.
8. I performed field inspections at a total of 18 locations/known archeological sites. The GPS coordinates for these sites/locations was confirmed against known site data. Each of

these locations/sites was also subsequently mapped to determine whether the location/site falls within or outside of the former Bunkerville Allotment.

9. Fourteen of the 18 sites I inspected had suffered damage directly attributable to cattle. Seven of these known archeological sites are situated within the former Bunkerville Allotment and the other seven are outside the former Bunkerville Allotment.
10. At four of the eighteen sites that I investigated, although there had been reported cattle sightings, I did not observe any direct harm due to cattle to the archeological sites. It should be noted, however, that there was a great amount of disturbance noted in the immediate vicinity of some of these sites and this represent a continued, real direct threat to archeological sites found in the vicinity of such cattle disturbance and cattle presence.
11. Direct disturbance observed during the field investigation ranged from trails that were evident within, and around, the site boundaries to actual depressions that were caused by cattle. This damage includes trails over sensitive crypto-biotic soils and was most notable at four sites. In addition to observed surface disturbance, there was also evidence at two sites of cattle rubbing against several petroglyph panels. This activity has caused spalling in some instances apart from nearly rubbing out several designs on petroglyph panels at two locations.
12. Since the summer of 2011, according to the Site Stewardship Program Coordinator, about another dozen Site Steward reports have been logged concerning cattle sightings in the vicinity of known archeological resources in the Gold Butte area.
13. Based on the results of my investigation in June 2011, I found that the unauthorized cattle grazing in the Gold Butte area caused damage to archeological resources at known archeological sites both within and outside of the former Bunkerville Allotment.

Pursuant to 28 U.S.C. 1746, I declare under penalty for perjury that the foregoing is true and correct. Signed this 14 day November, 2012, in Las Vegas, Nevada.

 *Mark Boatwright Nov 14, 2012*

Mark Boatwright