

IGNACIA S. MORENO
Assistant Attorney General
TERRY M. PETRIE, Attorney
STEPHEN R. TERRELL, Attorney
United States Department of Justice
Environment and Natural Resources Division
Natural Resources Section
999 18th Street, South Terrace, Suite 370
Denver, CO 80202
Telephone: (303) 844-1369
Facsimile: (303) 844-1350
Terry.Petrie@usdoj.gov
Stephen.Terrell@usdoj.gov

DANIEL G. BOGDEN
United States Attorney
NADIA AHMED
Special Assistant United States Attorney
333 Las Vegas Blvd. South, Suite 5000
Las Vegas, NV 89101
Telephone: (702) 388-6336
Facsimile: (702) 388-6698

ATTORNEYS FOR THE UNITED STATES

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

CLIVEN BUNDY,

Defendant.

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

**DECLARATION OF
JIMMY LINARES**

DECLARATION OF JIMMY LINARES

I, Jimmy Linares, do declare as follows:

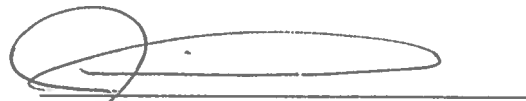
1. I am a Research Associate with the Great Basin Institute (GBI) and in that capacity I conduct road monitoring for the Bureau of Land Management (BLM) Southern Nevada District Office (SNDO) located in Las Vegas, Nevada. I have served in this position since May 2008.
2. My duties as a GBI contractor are to assess road and trail conditions; document unauthorized road and recreational use; manage and maintain field data; and assist in the restoration of impacted sites and I am very familiar with the Gold Butte Area. Gold Butte is one of four primary areas in which I conduct these duties. However, the Gold Butte area is where most of my efforts are focused. All of my work is on public lands managed by the BLM with a focus on the Gold Butte area.
3. On February 12, 2009, I was working in the Gold Butte area with two colleagues, Micah Doughty and Donnie Bowman, Jr. We had recently constructed barriers and fences along a road on public lands designated by the BLM as closed to vehicular traffic to protect a cultural site and sensitive threatened plant habitat from motorized vehicle damage and other vandalism. On this day, we were monitoring and maintaining the barriers and fences that had been constructed and after working all day, we stopped at a site west of Black Butte (within the former Bunkerville Allotment) to collect tools and materials.
4. While we were finishing gathering up our equipment, a truck approached us from the east (we were coming from the west), stopped and parked facing our vehicle on the narrow backcountry road, leaving no room for either vehicle to get by.
5. An older white male stepped out of the vehicle and began to express his displeasure about the construction of the fence. Although we were on federal land and there were no private lands nearby, he referred to the Gold Butte area as his ranch and complained that the fence would interfere with feeding his cows.
6. He asked for our names, told us we had to contact the sheriff before coming to his "property" and indicated he might file a lawsuit against us. We attempted to explain, without success, that he should contact the BLM Las Vegas Field Office and that we were simply field personnel.
7. He abruptly ended the conversation after approximately 5 minutes then turned and headed back to the back of his pickup truck. He returned with a square box in hand that resembled salt licks we had seen in certain other areas in Gold Butte. He stepped over the fence and walked through the closed area where he was soon behind a small knoll and out of sight. At this point another vehicle pulled up behind us and was also waiting to get by, but neither of us could pass due to the vehicle in front of us.
8. We turned our vehicle around and decided to monitor other sites as we waited for him to move his vehicle. When we returned, approximately 20-25 minutes later, he was just returning to his vehicle.

9. After he started his truck and drove past us in a westerly direction, we continued our original trip back to the Field Office.
10. We recorded his license plate number when he disappeared with the salt lick. We later learned, based on descriptions provided by other employees who had encountered him, that the individual we had encountered was Mr. Cliven Bundy.
11. Approximately a week and a half after our encounter with Mr. Bundy, I prepared an Incident Report that described our encounter, and I provided it to the BLM Las Vegas Office. See Attachment A.
12. My colleague, Micah Doughty, who no longer works for GBI, also prepared an Incident Report after the encounter. See Attachment B. His report is also an accurate representation of our encounter with Mr. Bundy.
13. I encountered Mr. Bundy on one other occasion on October 13, 2011, when I was installing guide signs along the byway at the Fisherman's Cove turn-off (Coordinates 4053658N 749451E – UTM's NAD83 Zone 11). At approximately 13:30 hours, I observed a white pick-up heading southbound, towards us, with a large load in the bed. As the vehicle approached us, it began to reduce its speed, rolled past us about 200-300 feet and came to a stop. The driver then backed the vehicle to our location and stopped right in front of us. We greeted him and I recognized him as Mr. Bundy. He greeted us in return and asked whether or not we had a permit to put in signs. We say "yes" and after a short discussion he continued south on the byway.
14. On June 6th, 2012, while evaluating a proposed course route, John Schumacher and I were in the vicinity of the Key West Mine and Springs. While travelling eastbound we came across an old corral (Coordinates NAD 83 UTM 753185.4 E-4057051.7 N) on public lands in the former Bunkerville Allotment that had recently received new modifications, apparently with the intention of actively managing cattle. The chute appeared to have been reconstructed with metal railing. Also, a trailer with welding equipment was adjacent to the new construction. No persons or cattle were present at that time. Photographs I took of those improvements on June 6, 2012 are included as Attachment C. On a second visit to the site (June 13, 2012) even newer construction to the corral was evident. More railings were affixed to the corral. The trailer with welding equipment was still present along with new salt lick blocks for cattle. Additional photographs I took on June 13, 2012 are included as Attachment D. No persons or cattle were observed on that day, however, the only cattle I have seen in the area on other occasions are the unauthorized cattle belonging to Mr. Bundy or cattle that are unbranded.
15. On September 26th, 2012 while conducting my duties near the intersection of the Gold Butte Byway and Fisherman's Cove Rd (Coordinates NAD 83 UTM 4053014.0m N749840.3m E) I discovered a newly erected, unauthorized temporary corral in the former Bunkerville Allotment that was placed behind a large berm, east of the Byway on public lands. The corral was empty but contained hay and a tub for water. Outside of the

corral there were salt lick blocks that had been placed for cattle. Three photographs I took of the unauthorized improvement on that date are provided in Attachment E. Although no grazing is authorized in this area, I have previously observed cattle bearing brands or markings registered to Cliven Bundy together with unbranded cattle.

16. I monitor roads in the Gold Butte area, on average, approximately 3-4 times a month for an average of 4-6 hours per visit. I encounter cattle both within and outside the former Bunkerville Allotment on nearly all my visits and on half or most of those encounters I can identify markings consistent with those I recognize to be Bundy cattle brands/markings.
17. During the course of my monitoring I have come across and personally observed areas in Gold Butte -- both within and outside of the former Bunkerville Allotment -- that have been impacted heavily by the presence of, and repeated use by, cattle. Such areas can be determined to receive heavy cattle use by observations such as the presence of a noticeable lack of grasses and annuals; noticeably compacted soils with innumerable hoof prints; broken or missing limbs on shrubs and trees; cattle dung; salt licks; large areas denuded or with trampled vegetation; and the presence of range improvements. The following areas on public lands in the Gold Butte area (which include areas within and outside of the former Bunkerville Allotment) where there is no authorized grazing have some or all of these characteristics: Hen Spring; Government Spring; Aqua Chiquita Spring; Red Bluff Springs; Kirk's Grotto; Red Springs; the corral at Cabin Canyon Road; near Juanita Springs; Nickel Creek Wash and corral; St. Thomas Gap area; Horse Spring; Grapevine Spring; the old Gold Butte Townsite; Mockingbird Spring; Garden Wash; Mud Wash corral; Toquop Wash; and the Black Butte area. This is not a comprehensive or complete list of the areas where I have observed evidence of repeated heavy cattle use and impacts on the public lands in the Gold Butte area.

Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct. Signed this 10th day of December, 2012, in Las Vegas, Nevada.



Jimmy Linares

ATTACHMENT A

Incident Report

February 12, 2009- On this day, I (Jimmy Linares), Micah Doughty and Donnie Bowman Jr. were in the Gold Butte area monitoring and maintaining recently constructed barriers and fences. At approximately 1500 hrs, as we attempted to return to the Las Vegas Field Office from a day of field work in the Northern Gold Butte area, we stopped and collected tools and materials at a site west of Black Butte. As we finished gathering up equipment a late model, white Dodge diesel pick-up truck approached, heading toward us from the east (Our vehicle was coming from the west). The driver of the white Dodge stopped and parked his vehicle on the narrow backcountry road, leaving the vehicles facing each other with no room for either vehicle to get by, forcing one of us to eventually back up and turn around. An older, husky, white male stepped out of the vehicle. His only passenger was a medium sized dog with a mild temperament that remained in the bed of the truck. The male driver, a man that appeared to be in his 60's or 70's with a short, blonde beard and white, full brim hat, stood at about 5'8" tall and wore a visibly irate expression.

We waved and informed him that we would shortly be out of his way, and continued to load the last of the equipment onto our truck. He began to verbally express his discontent with the construction of the fence. He asked how it is that he is going to "get over and feed my cows?" We approached him and began to explain to him the purpose of the fence, which he interrupted and ask for Micah's and Donnie's names and asked both of them separately, "Do you want to get sued?". He continued, "Maybe a lawsuit will [fix] you". We attempted to reason with him and explained that any issues he had he would have to take up with the Las Vegas Field Office Management and that we were simply field personnel. He grew more and more agitated and made a threat to call the Sherriff and stated that "This is my Ranch and you are all trespassing". Also, "In the MOU it is stated that if you're going to come into my property you have to contact the Sherriff first". He then explained that he had "water rights" on the other side of the fence and we have blocked access to his "water rights". He continued to explain that was his "Ranch" and that he had to "feed my cows".

The conversation ended abruptly when he said that we "don't know anything" and he turned around and headed for the back of his pickup truck. We then headed back to our truck and finished loading our equipment. We loaded ourselves in to the truck and continued waiting for him to either turn around or begin moving his vehicle. He returned from the back of his truck with a square box in hand and his dog beside him. He stepped over the fence and walk towards the area which he had earlier claimed was the direction of both his "cows" and "water rights". We presumed that it was salt licks he was carrying, as we have seen salt licks placed in certain other areas in Gold Butte, and what he was carrying resembled those. He soon was behind a small knoll and out of site. At this point another government vehicle had pulled up behind us and was also waiting to get by.

Having no clue as to how long he would be, we turned our vehicle around and headed in the direction we had come from, having decided then to take the time to monitor other sites as we waited for him to move his vehicle. When we returned, approximately 20-25 minutes later, he was just returning to his vehicle. In his hand he tenderly grasped small orange flags, typically used to demarcate project sites. He approached the other government vehicle that stood waiting and handed them the flags. He had a short

discussion with them and walked back to his vehicle. The male driver then started his truck and drove past us in a westerly direction. We then continued our original trip back to the Field Office.

While he had walked away from his truck with slat licks and dog, we took note of his license plate number. It read, 799 SLU. They were Nevada Plates.

ATTACHMENT B

February 12th, 2009

Documentation of Hostile Encounter in Gold Butte

The week of February 9th, we continued work on a post and cable barrier located along the main designated route near DD3 (a road designated as closed). We decided to install this barrier after several unsuccessful attempts to close DD3 with methods that cause less impact. It was important to close this road and the surrounding area to help protect a cultural site and a very sensitive threatened plant habitat from motorized vehicle damage and other vandalism.

We had just completed the weeks work on the barrier on Feb. 12th, and we were loading our equipment into the truck. The time was approximately 2:00-2:30pm and we were preparing for the drive back to the Field Office. We had just finished loading all of our equipment, when another truck pulls up in front of our truck (facing the other direction as ours), and blocks our way out. The truck was a Dodge 4-door Diesel, post-2000, white color, with Nevada plate # 749-SLU. We approached the man in the truck to inquire as to whether we needed to move our truck so he can get by us, as we were blocking his passage as well. He replied that he was stopping there for a minute, so we didn't need to move right away.

Now, the man exits his vehicle. He proceeds to sarcastically comment on "How beautiful the barrier looks". We politely tried to explain the reason for the barrier construction, but he was becoming very irate. He referred to the Gold Butte area as "His Ranch", and was complaining about the closing of roads on "His Ranch". He stated that the BLM was required to contact the sheriff before entering Gold Butte or doing work there. According to him, the road closure and barrier would prevent him from getting to his cattle in the area, and also prevent his family from "riding their ATV's back there and partying". We tried to explain that we were only closing roads that had been designated to be closed according to the BLM, and that the road closure decision had made it through all local community involvements and appeals process. We directed him to contact the Las Vegas BLM office with any complaints and questions. He then proceeded to take our names and stated that a lawsuit would stop us. While all this is happening, another vehicle has pulled up behind our truck and is trapped from going any further passed us. When the man had finished his conversation with us, he walks to the back of his truck and reaches for something. He pulls out a salt lick block, crosses over the barrier, and proceeds to walk through the area we had just closed off. He is gone for approx 20-25 minutes, leaving us and the other vehicle trapped behind his vehicle. He finally returns, and we had moved our vehicles out of the way, so he could pass. He goes by, and we head out of Gold Butte and back to the Field Office. That was the end of the encounter with this man.

We were unable to get his name. From warnings and descriptions from other BLM employees, who have encountered him, he fit the description of Clive Bundy. Other than the license plate #, we have no positive identification. None of us had ever encountered this man before. Those present, when this occurred, were Jimmy Linares, DJ Bowman, and Micah Doughty. This statement was prepared by Micah Doughty.

ATTACHMENT C







ATTACHMENT D





ATTACHMENT E





