

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

PUEBLO OF SANDIA
P.O. Box 6008
Bernalillo, N.M. 87004
(505) 867-3317,

Plaintiff,

v.

BRUCE H. BABBITT,
in his official
capacity as
Secretary of the
Interior,
1849 C. Street, N.W.
Washington, D.C. 20240
(202) 208-7351, and

MIKE ESPY,
in his official
capacity as
Secretary of Agriculture,
14th and Independence, SW
Washington, D.C. 20250
(202) 720-3631

CASE NUMBER 1:94CVO2624
JUDGE: Harold H. Greene
DECK TYPE: Civil
General

Defendants.

AFFIDAVIT

I, Arthur Gardenswartz, hereby swear upon oath as follows:

1. I reside at 51 Rockridge Drive, N.E., Albuquerque, New Mexico 87122, in Sandia Heights North, Unit 1, which is within the area shown as Exhibit A in the Complaint filed in this lawsuit.

2. I moved to Sandia Heights in 1976 because its open access to land in the Cibola National Forest and Sandia National Wilderness is of major importance to my lifestyle, which includes long distance running, hiking and cross country skiing and

Exhibit #5
Motion to Intervene
Pueblo of Sandia v. Babbitt
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enjoyment of the unspoiled wilderness areas.

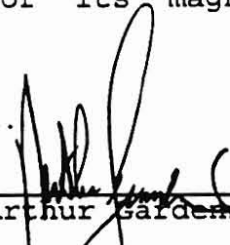
3. I hike, run and ski the trails in the area claimed by the Pueblo of Sandia, including the Tramway Trail, La Luz Trail and the Piedra Lisa Trail. As a marathon runner and triathlete, I use the trails daily for training, as well as for enjoyment of the natural beauty and solitude which they provide.

4. I run the La Luz Trail in August of every year, in a nationally sanctioned long distance event.

5. On Father's Day, 1994, with six colleagues, I ran from the parking lot of the Piedra Lisa Trail up the Trail, eventually terminating the run at the Cafe de la Placitas, on the east side of the Sandias.

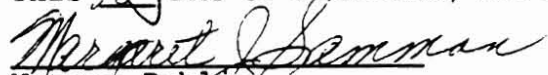
6. It is of the utmost importance to me and other athletes that access to the Cibola National Forest and Sandia National Wilderness continue to remain open to all citizens, including members of the Pueblo of Sandia, who utilize it for recreational purposes and for the enjoyment of its magnificent natural attributes.

Further Affiant sayeth naught.


Arthur Gardschwartz

STATE OF NEW MEXICO)
) ss.
COUNTY OF BERNALILLO)

SUBSCRIBED AND SWORN BEFORE ME THIS 18 DAY OF DECEMBER, 1994.


Notary Public

My Commission Expires
5-29-95

