

Lauren M. Rule (ISB # 6863)
ADVOCATES FOR THE WEST
PO Box 1612
Boise ID 83701
(208) 342-7024
(208) 342-8286 (fax)
lrule@advocateswest.org

Laurence (“Laird”) J. Lucas (ISB # 4733)
PO Box 1342
Boise ID 83701
208-424-1466 (phone and fax)
llucas@lairdlucas.org

Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO**

WOLF RECOVERY FOUNDATION, and)
WESTERN WATERSHEDS PROJECT)
)
Original Plaintiffs,)
)
and)
)
THE WILDERNESS SOCIETY, GREAT OLD)
BROADS FOR WILDERNESS, IDAHO)
CONSERVATION LEAGUE, WINTER)
WILDLANDS ALLIANCE, WILDERNESS)
WATCH, and SIERRA CLUB,)
)
Co-Plaintiffs On Third Claim For Relief)
)
v.)
)
U.S FOREST SERVICE and USDA APHIS)
WILDLIFE SERVICES,)
)
)
Defendants.)

No. 09-cv-686-BLW

**DECLARATION OF
KENNETH COLE**

1. My name is Kenneth Cole. The following facts are personally known to me, and if called as a witness I could and would truthfully testify thereto.

2. This declaration addresses my long held interest in wolves, their protection, and how the landing of helicopters in the Frank Church Wilderness Area will adversely harm my interests.

INTRODUCTION AND BACKGROUND

3. I currently reside in Boise, Idaho.

4. I have a long background of wildlife advocacy that includes involvement in wolf recovery, fisheries enhancement, bison recovery, and habitat protection.

5. I have a bachelor's degree in biology from Idaho State University.

From 2000 to 2008, I worked for Idaho Department of Fish and Game (IDFG) as a fisheries technician. My responsibilities with IDFG included: (1) establishing a locally-adapted brood population of B-Run steelhead on a tributary of the Upper Salmon River; (2) processing Chinook salmon at salmon traps; collecting biological information and samples from salmon; setting tags and recovering tag information; conducting creel surveys at check stations; conducting redd counts; and operating smolt screw traps; and (3) conducting a fin-ray aging study for Snake River Chinook salmon; and extracting and reading coded wire tags from Chinook and steelhead.

6. Since 2008, I have been employed as the NEPA Coordinator for Western Watersheds Project. My duties for WWP include participating in the public comment process for livestock grazing allotments and other agency decisions across Nevada and Idaho, writing many comments, protests and appeals. I am also a member of WWP.

7. During a portion of 2005 I held a post on the Board of Directors of the Wolf

Recovery Foundation. Since 2005 I have held a post on the board of directors of the Buffalo Field Campaign, a bison advocacy group, based in West Yellowstone, Montana.

8. While employed with various agencies and contractors I was stationed in areas where I was able to interact with, study, and frequently observe wolves in Central Idaho. Also as part of my current job, I travel extensively in Idaho, Nevada, and Montana viewing landscapes, range conditions, and wildlife.

9. I am an active blogger and editor on Ralph Maughan's Wildlife News blog. This entails writing commentary on environmental issues affecting western lands and wildlife, grazing issues and stories concerning wildlife conservation. I have written many stories about wolves and wolf management.

10. I am also an avid photographer. I regularly travel around the West to take photographs of the wildlife and scenery I observe. I particularly enjoy taking photographs of wolves, native fish, wildlife, and plants which I often use to illustrate various stories on the blog. I often post my photos on-line where I can share them with my friends and family.

A. USE OF FRANK CHURCH WILDERNESS

11. My first trip into what is now known as the Frank Church Wilderness occurred in late June of 1971 when I was only 4 years old. My family flew into Chamberlain Basin where we went on a week long, 20-mile backpacking trip.

12. During the summer of 1991 I worked for the USFS Intermountain Research Station, where I was on a team that conducted stream surveys. During this time I spent nearly a month in the Frank Church Wilderness conducting stream surveys on Mayfield Creek and Warm Springs Creek.

13. During the summers of 1996 and 1997 I was a guide for Wapiti Meadow Ranch in

Yellowpine, Idaho. On a weekly basis I would fly with clients into the Indian Creek landing strip within the Frank Church Wilderness, where we would fly fish for cutthroat trout and camp overnight.

14. During the fall of 2007 and spring of 2008 I was stationed at the University of Idaho's Taylor Ranch where I placed PIT tags into Chinook salmon and steelhead. This property is located on Big Creek within the Frank Church Wilderness. I observed wolves on one occasion and observed wolf tracks and sign on several occasions during this period.

15. On numerous occasions I have hiked and camped in the Frank Church Wilderness for recreation. On these occasions I have often searched for wolf sign and howled for wolves.

B. INTEREST IN WOLVES

16. I have a particular love of wolves, and the condition of wolf populations has been a longstanding interest of mine. I enjoy seeing and photographing them in their natural environment and I particularly enjoy watching them in Idaho. I have been fortunate to see them in various areas of Idaho, Montana, and Wyoming.

17. I also greatly enjoy traveling to the Frank Church Wilderness for the purpose of finding peace and solitude, observing wolves, photographing wolves, howling for wolves and searching for tracks or other sign.

18. My interest in wolf recovery started at a young age while accompanying my father on yearly trips to Yellowstone National Park during the late 1970's where we often discussed wildlife and the fact that wolves were absent from the Park. We participated in a survey that asked about our use of the Park and what improvements if any we thought should be made. I distinctly remember writing that we felt that wolves needed to be reintroduced to the Park.

19. The first experience that I had with a wolf was while I was stationed at the former USFS Landmark Ranger Station on Johnson Creek just west of the Frank Church Wilderness in 1992. Early one morning I was awakened by the howls of coyotes and what I think was a wolf in response. There had been several reports of wolves in the area during that time.

20. In subsequent years I followed news stories about the possible reintroduction of wolves to Central Idaho and Yellowstone National Park. In 1995 the first wolves were reintroduced in front of cameras in Central Idaho and Yellowstone National Park. At that time I began searching for information about what was happening to the wolves and I discovered Ralph Maughan's Wolf News web page.

21. I first observed a wolf in the wild when I made a special trip to the National Elk Refuge in the winter of 1998/1999 and was able to watch 3 wolves hunting elk there. It was a profound experience for me because it had been a lifelong goal to see a wolf in the wild.

22. On several occasions since then I have taken special trips to observe wolves in Yellowstone National Park where I have been fortunate to observe wolves and provide opportunities to friends and family to view them as well.

23. During this same time I made many attempts to view wolves in Idaho, my home state, but was unsuccessful.

24. In the spring of 2002, while working for the IDFG, I was stationed at the East Fork Salmon River fish trap where I conducted surveys of fishermen on the Main Salmon River and helped operate a fish trap and pond on Squaw Creek, a tributary of the Main Salmon River near Clayton, Idaho. I was excited because I knew, from information on Ralph Maughan's website, that there was a wolf pack named the Whitehawk Pack that inhabited the area. Unfortunately, on the morning of April 6, 2002, I witnessed the Wildlife Services spotter plane

and helicopter in the process of gunning down the Whitehawk Pack. I was very disturbed by these actions and was disappointed that my chances of viewing a wolf had been severely diminished.

25. It wasn't until the following spring of 2003 that I was able to observe and hear wolves in Idaho. The experiences I had were the foundation for many efforts on my behalf to help protect the Buffalo Ridge Pack, which established a territory in the area around Clayton, Idaho. On several occasions I was able to observe, track, and howl for wolves in the Squaw Creek Drainage.

26. I was stationed at this location for several months each spring from 2003 to 2007. On several occasions during my time stationed here, I observed wolves at the fish pond that I was charged with tending and I was able to show my father and my future wife wolves while they were visiting me.

27. Because of my personal interest in wolves and my professional experience as a biologist, I have participated in various wolf management efforts. For instance, I helped with testing of turbo-fladry, a non-lethal technique to try and keep wolves away from livestock to prevent conflicts. I have also helped agency personnel trap and collar a wolf. This wolf was later killed by Wildlife Services after it was implicated in the killing of livestock.

28. I have attended 2 sessions of the North American Wolf Conference which was annually hosted by the Wolf Recovery Foundation and Defenders of Wildlife.

C. INFORMATION ABOUT WOLVES

29. Based on my interest in wolf management, discussions with many people involved in wolf management in Idaho, and publicly available information, I have gained the following knowledge.

30. Wolves have made a wonderful recovery in Idaho since the reintroduction of 35 wolves in 1995-96. As of the end of 2008, IDFG estimated a total population of 846 wolves in 88 packs, and preliminary numbers from 2009 documented 94 packs in Idaho. *Idaho Wolf Management Progress Report December 2009, attached as Exhibit A.*

31. The increasing number of wolves has also led to increasing conflicts with livestock. As a result of these conflicts, Wildlife Services has killed 343 wolves in control actions in Idaho since the wolf's reintroduction here. *See Exhibit A; Idaho Wolf Recovery Progress Reports 1999-2001 & 2002, attached as Exhibit B.*

32. The State of Idaho recently took over wolf management once wolves were taken off the Endangered Species list, and now allows the hunting of wolves. In 2009, IDFG authorized that 220 wolves could be harvested. *Id.* The State allowed seventeen wolves to be harvested from the Middle Fork Big Game Unit within the Frank Church Wilderness, and all seventeen have now been taken. *February 1, 2010 IDFG News Release, attached as Exhibit C.* Finding wolves on foot in the Middle Fork Big Game Unit is obviously not that difficult if all seventeen wolves have been harvested from that area.

33. The need to collar wolves in the Wilderness that IDFG is claiming is necessary for wolf monitoring and management is not supported by the existing information. For one, the Forest Service's Minimum Requirements Analysis indicates the agencies already have a good estimate of how many wolves there are in the Frank Church Wilderness. "A total count of wolves in this area was not known, however at least 30 were observed and the actual number was probably near 45-50. (Wolf Conservation and Management in Idaho; Progress Report 2008, pg. 61.)" And they already know there are six collared packs and likely eight uncollared packs.

34. IDFG has used other methods to monitor wolves, such as by surveying 575 miles of trails for wolf signs. The IDFG collected Global Positioning System (GPS) locations of wolf and elk sign along these trails and are using that dataset to test and further develop a model that predicts areas of high wolf use. *Wolf Conservation and Management in Idaho Progress Report 2007, p. 26, attached as Exhibit D.*

35. The Idaho Wolf Conservation and Management Plan also does not require such intensive monitoring as has been alleged by the IDFG and the USFS for the purpose of assessing recovery of wolves. Intensive monitoring that calls for every pack to have a radio-collared member is only when there are fewer than 15 documented packs. Furthermore, the plan states that “[m]onitoring is done primarily by indicators such as wolf depredation complaints, autumn scent station surveys, telemetry, winter track surveys, and other observations of field personnel” when there are greater than 15 packs. *Idaho Wolf Conservation and Management Plan, p. 5, attached as Exhibit E.*

36. The Plan also notes that, as wolf recovery progresses and the number and distribution of wolves increases throughout the state, the reliance on radio telemetry alone to monitor populations, pack establishment, and distribution will become increasingly inefficient. An increased emphasis on public reporting of wolf sightings and sign observations will be crucial to effectiveness of any long-term monitoring program. IDFG will develop a long-term periodic monitoring program using public sighting information, density estimates, GIS, etc., that are similar to programs developed in Minnesota. *Id. at p. 3.* This further belies the notion that all wolf packs must be radio collared for the purposes of ESA monitoring.

D. HELICOPTER USE

37. My enjoyment of the Frank Church Wilderness would be hampered by the use of

helicopters to dart and collar wolves. The peace and solitude of my wilderness experience will likely be harmed during a visit to the Frank Church Wilderness that I plan on taking during the period of February 23-28. I intend to visit the Middle Fork Salmon River area during this time to observe and photograph wolves and other wildlife in their natural environment, and the helicopters will disrupt the wildlife and my viewing opportunity.

38. I have personally witnessed the use of helicopters for the purpose of wildlife management and control, which has disturbed me and has harmed my wildlife viewing experience, peace and solitude.

39. As a volunteer for the Buffalo Field Campaign I have repeatedly witnessed the Montana Department of Livestock use helicopters to chase and capture wild buffalo in the Yellowstone region. The use of helicopters for this purpose is very disturbing to me, and often times not only are buffalo the victims of this non-selective method of harassment but all other wildlife in the area are disturbed as well. It has often been documented that the use of helicopters has disturbed wildlife ranging from trumpeter swans, bald eagles, moose, elk, grizzly bears and wolves.

40. I have also witnessed the control actions of Wildlife Services who used a helicopter when the Whitehawk Pack was terminated in 2002. I was very disturbed by these actions that severely disrupted my peace and solitude and opportunity to observe wolves in their natural environment.

41. On two occasions I witnessed helicopters being used to chase and collar wolves in Yellowstone National Park. This activity, as well, was disturbing to me and harmed my ability to enjoy the peace and solitude of watching wolves in their natural environment.

42. I am concerned that the use of helicopters to dart and collar wolves in the Frank

Church Wilderness will result in the injury or mortality of the wolves that will be targeted by Idaho Fish and Game agents. A wolf was injured during such darting operations in Yellowstone during 1999 that was later euthanized. *See Gray Wolf Recovery Weekly Progress Report, Week Dec 18, 1998 - Jan 22, 1999, attached as Exhibit F.*

43. I am concerned that the radio collars will be used to locate and kill these wolves by Wildlife Services, Idaho Fish and Game, or other private interests who might obtain the location data. Furthermore, the detailed information about wolf population size in the Frank Church Wilderness could lead to higher harvest levels that would remove wolves from the Wilderness. In fact, Mark Gamblin, who has identified himself as the regional director of the Southeast Region of the Idaho Fish and Game, made this December 27, 2009 comment on Ralph Maughan's Wildlife News blog: "In previous threads, several have suggested that at least one consequence of collaring wolves in the FCW is that accurate accounting of wolf numbers could lead to wolves being removed. That is a possibility if wolf numbers are above the wolf population management objectives for the wolf management zones within the FCW. There's nothing sinister in that possibility. It would be another example of managing wolves as we do other valued game species."

44. I am also concerned that the use of helicopters to dart and collar wolves in the Frank Church Wilderness may result in the disturbance, injury, or mortality of other non-target wildlife. Disturbance of non-target wildlife has been documented in operations associated with hazing of buffalo in and near Yellowstone National Park. None of these risks have been analyzed in this decision process.

45. The use of helicopters to dart and collar wolves is unnecessary in the Frank Church Wilderness and is contrary to the values protected in the Wilderness Act of 1964. This

use will harm my enjoyment of the peace and solitude of the Wilderness, as well as my experience viewing wolves and other wildlife, when I visit the Middle Fork Salmon River later this month.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 2nd day of February, 2010, at Boise, Idaho.

/s/Kenneth Cole
Kenneth Cole

- Exhibit A: Idaho Wolf Management Progress Report December 2009.
- Exhibit B: Idaho Wolf Recovery Progress Reports 1999-2001, 2002 (excerpts).
- Exhibit C: *Another Wolf Hunt Closes In Central Idaho*, IDFG News Release (February 1, 2010).
- Exhibit D: Wolf Conservation and Management in Idaho Progress Report 2007.
- Exhibit E: Idaho Wolf Conservation and Management Plan (2002).
- Exhibit F: Gray Wolf Recovery Weekly Progress Report, Week Dec 18, 1998 - Jan 22, 1999.