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

WESTERN WATERSHEDS PROJECT,
CENTER FOR BIOLOGICAL DIVERSITY,
WILDEARTH GUARDIANS, and
PREDATOR DEFENSE,

Plaintiffs,

v.

USDA APHIS WILDLIFE SERVICES,

Defendant.

No. 1:17-cv-206-BLW

DECLARATION OF JON MARVEL

I, Jon Marvel, declare:

1. My name is Jonathan (Jon) Marvel. I am personally aware of the matters set forth below, and if called as a witness I would and could truthfully testify thereto.

Background and Interests in Wildlife

2. I have resided in Idaho since 1969.
3. I live and reside in Hailey, Idaho. I also own property with a cabin near Stanley.
4. I founded Idaho Watersheds Project in 1993 in order to address the degradation caused by public lands grazing in Idaho (including predator killing) that I had observed and encountered throughout Idaho.

5. I served as Board President of Idaho Watersheds Project from its founding until 2001. At that time, Idaho Watersheds Project changed its name to Western Watersheds Project to reflect an expanded mission of addressing public lands management not just in Idaho but more broadly throughout the West. I served as Executive Director of Western Watersheds Project until March 2014; and I remain a member of Western Watersheds Project.
6. I am also a member of WildEarth Guardians.
7. One of the things I most treasure about Idaho, and the West, is the large expanse of public lands and designated wilderness found here along with the many habitats and wildlife resources those public lands offer. For the last fifty years, I have traveled extensively throughout Idaho public lands to experience and enjoy their wildlife and fisheries for aesthetic, spiritual, recreational, and professional purposes. I regularly camp; hike; boat; watch birds, fish and animals; study habitat conditions; conduct field inspections to assess conditions of public lands; and seek spiritual renewal through observing the spectacle of wild nature on the public lands.
8. While I do not have a dog at the moment, I have had successive dogs for about 28 years, and I would often bring my dog on visits to public lands, and I often recreate with friends who bring their dogs.
9. In particular, I love to see wildlife in its natural balance on Idaho public lands. This is

one of the unique things about Idaho—that our public lands are large enough that almost a full suite of native wildlife continues to exist notwithstanding the ongoing efforts of Wildlife Services to kill native carnivores like coyotes and wolves.

Visits to Idaho Public Lands

10. During my decades in Idaho, for enjoyment and as part of my work for WWP, I have regularly visited public lands all over southern and central Idaho. I first visited southern Idaho when I was fifteen years old in July 1962 on a family visit to Idaho. After I moved to Idaho full time in 1969, I began regularly taking excursions and camping trips to the public lands.

11. I regularly visit and have extensively explored the public lands managed by BLM's Twin Falls District. For example, I regularly visit the southern Pioneer Mountains (the northern part of BLM's Shoshone Field Office), as it is very close to my home in Hailey, for day hikes, wildlife watching, and investigation of the condition of public lands. It is an unusual ecosystem for Idaho BLM lands because it is higher elevation and partially forested. For that reason, it has an unusual suite of wildlife compared to most Idaho BLM lands including bighorn sheep and native carnivores. A wolverine was even trapped in the southern Pioneers, not far from Arco, several years ago.

12. The Fish Creek watershed, east of Carey, is a favorite place of mine to visit in this area. I enjoy taking visitors to see the crumbling Fish Creek dam and explaining that its decrepit condition requires it to only be filled partway. I was good friends with the owner of a ranch in Fish Creek for years, and used to visit several times a year to share meals and enjoy the nearby scenery.

13. Another favorite place to go is the Little Wood watershed. I've been regularly going there for day hikes, wildlife watching, and investigation of the condition of public lands for at

least 40 years.

14. I have also visited the central part of BLM's Shoshone Field Office countless times, over the past four decades. The Bennett Hills, which comprise the western portion of this area, are very special to me, because it is a large, undeveloped landscape that still has a sage-grouse population and other native sagebrush steppe species. The Bennett Hills have an extraordinary number of Native American rock art sites, possibly the most in the Northern Rockies. I believe there are two or three thousand sites. I have visited and enjoyed many of them on my annual visits here. Unfortunately, livestock grazing has degraded many areas in the Bennett Hills, and so for years I have engaged with BLM to advocate for reduced grazing levels and increased management focus on protecting wildlife habitat.

15. Craters of the Moon is another of my favorite areas. I first visited this area on the 1962 trip mentioned above, and I remember visiting lava caves and learning about the native wildlife. I have visited here at least once each year for the past forty-five years (usually more often). I also regularly visit surrounding areas, such as the Big Desert allotment, on the east side of Craters of the Moon. I can recall at least eight visits to this sheep allotment, which unfortunately shows pervasive signs of degradation from excessive sheep grazing (such as weed infestation and bare ground where sheep are bedded down).

16. On all my visits, I have enjoyed hiking, wildlife watching, visiting volcanic features such as spatter cones, kipukas, and lava tubes, and enjoying seeing wildlife including sage-grouse and pronghorn, and coyotes.

17. To this end, I have learned a great deal about the history of the Craters of the Moon area, including reading the diaries of Jean Baptiste Charbonneau about his near fatal crossing of this area in 1831 and the writings and films of Robert "Two Guns Bob" Limbert. Those included

his National Geographic Magazine article published in 1924 “Among the Craters of the Moon” that attracted the attention of President Coolidge and resulted in the creation of the National Monument later that year pursuant to the Antiquities Act of 1906.

18. I have visited the BLM’s Burley Field Office countless times over the past 45 years. I particularly enjoy exploring those lands that are adjacent to mountains that form the Sawtooth National Forest’s Minidoka Ranger District. The Jim Sage Hills are one of the bigger blocks of public lands in this area, which I have visited dozens of times. It is a beautiful area where I enjoy hiking and wildlife watching, as it contains a diverse suite of native wildlife including bighorn sheep, mountain lions and sage-grouse. Unfortunately, it suffers from excessive domestic livestock grazing, as well as BLM efforts to destroy the native juniper woodlands there, which I have opposed.

19. I also enjoy exploring the Black Pine mountains and Sublett mountains, which both include BLM lands in the Burley Field Office. I enjoy visiting the Birch Creek watershed, including Middle Mountain. Although it has a lot of negative livestock impacts, I enjoy its large aspen clones and wildlife watching. I have been to all of these areas many times.

20. I have enjoyed visiting the City of Rocks National Reserve, and surrounding public lands, many times. The Reserve itself is co-managed by the National Park Service and the Idaho Department of Parks and Recreation, but it is adjacent to BLM lands. For years I have enjoyed visiting there. I enjoy the unique scenery there including fantastic rock formations and the unusual plant communities. It is the only place in Idaho where pinyon jays are found because it forms the northern edge of the range of pinyon pines. I have enjoyed watching pinyon jays at City of Rocks and surrounding areas.

21. I have visited the BLM’s Jarbidge Field Office countless times. One of my first

comments on proposed BLM management of public lands in Idaho was in 1986 when I commented on the proposed BLM Jarbidge Resource Management Plan. When I worked for WWP, we actively campaigned to reduce negative livestock grazing impacts across the Jarbidge Field Office and I visited regularly as part of that effort. We focused attention there because the southern part of the Jarbidge Field Office some of the better remaining sage-steppe lands in Idaho, but management was failing to prioritize the protection of wildlife habitat, recreation, and surface water quality over livestock grazing.

22. For example, I visited China Mountain (a stunning, long ridge west of the Salmon Falls Creek Reservoir) many times, and successfully advocated against a large, industrial-scale wind energy facility proposed there which would have decimated the local sage-grouse population. I have visited the nearby Antelope Springs allotment several times, which contains some of the remaining high quality sage-grouse habitat in the Jarbidge Field Office of the BLM.

23. Other favorite places to visit on the Jarbidge Field Office are Cedar Creek, both above and below the Cedar Creek reservoir, and Clover Creek. Years ago, Idaho Watersheds Project competed for a state grazing lease near Winter Camp, a beautiful little canyon on Clover Creek, a few miles above its confluence with the Bruneau River. I have been to all of these areas many times to assess conditions and look for and enjoy the native wildlife.

24. I have boated several of the deep canyons that cross the Jarbidge Field Office. I first boated the beautiful rhyolite canyon of the Bruneau River in 1979. I have run it several more times in the decades following at different water levels. As part of these float trips I always enjoy hiking up tributaries of the Bruneau River including Sheep Creek, Clover Creek, and many other unnamed small side canyons, enjoying nature and looking for wildlife.

25. I have boated the Jarbidge River only once in a 12-foot raft that was too large for the

job. That was quite an adventure that involved two portages and encountering large juniper branches spanning the river.

26. I have also extensively visited the public lands managed by BLM's Idaho Falls District.

27. For example, I have visited the public lands within the BLM's Upper Snake Field Office countless times over the past 40 years, to enjoy their stunning scenery, enjoy the native plants and wildlife, and assess grazing impacts. This includes BLM lands in the Big Lost River watershed near Arco and in the Little Lost River watershed near Howe. WWP for years conducted an effort to reform grazing practices on the BLM Hawley Mountain allotment, which caused me and other WWP staff to visit several times. The Hawley Mountain area is a beautiful small mountain landscape in the Little Lost valley home to native bull trout. Over many years I have also enjoyed visiting one of the most spectacular Native American rock art sites in Idaho at the Big Spring archaeological site east of Darlington in the Big Lost River watershed. That archaeological site is partially located on lands managed by the Upper Snake Field Office of the BLM.

28. Other favorite places to visit include the Birch Creek watershed near the Montana border, the Medicine Lodge Creek watershed near Small, Idaho, and the Camas Creek watershed (near the town of Kilgore). I have visited these watersheds countless times over the past 40 years to enjoy the native plants and wildlife and assess livestock grazing impacts. I last visited these watersheds in 2017 and intend to return in 2018.

29. I have also visited areas within the BLM's Pocatello Field Office, such as the Pleasantview Hills, many times. The Pleasantview Hills, unfortunately, have suffered negative livestock impacts for over one hundred thirty years. I have also visited the nearby Curlew

National Grasslands multiple times. Much of the land in this area has suffered from heavy grazing and herbicide application to kill the sagebrush, but some good sagebrush habitat remains and supports a few sage-grouse leks. I have visited both of these areas many times to enjoy these remaining intact areas, look for wildlife, and assess grazing impacts.

30. I have visited a number of sheep allotments administered by the Caribou-Targhee National Forest's Palisades Ranger Districts. These are south of the Palisades Reservoir, near the Wyoming border. This is a heavily forested and beautiful area which I have visited many times to enjoy the scenery and mountain views, look for wildlife, and assess sheep grazing impacts. There have been a number of conflicts with sheep and predators in this area, resulting in Wildlife Services killing wildlife. To me, the conflicts illustrate how nonsensical it is to graze sheep in forested areas where native carnivores live.

31. I continue to visit these areas I have described, and I plan on and intend to continue to do so for as long as I am able.

Appreciation of Coyotes

32. As noted, my enjoyment of public lands includes watching and appreciating all native wildlife, including coyotes, foxes, and raptors. On all my visits to public lands, I look for wildlife including these species.

33. I have a particular appreciation for coyotes. Seeing coyotes is an essential and emblematic experience of the American West. Without coyotes, we'd hardly be able to know where we are. They're an iconic part of the American West.

34. When I first visited Stanley in the 1960s and heard coyotes howling at night and in the early morning, I was captivated. Ever since then, I always enjoy seeing and hearing them. I've observed coyotes on hundreds of occasions in Idaho, both in groups and individuals, and

heard them even more times. They are very appealing to watch in all seasons due to their intelligence and curiosity. I have a lot of admiration for them because they are so capable at surviving despite heavy persecution.

35. I have seen them doing many activities such as yipping and howling on a hillside. I specifically have seen this in the Bennett Hills and Pioneer foothills. I have also seen them many times hunting, sunbathing, and running away. They have learned to be afraid of people and usually run away quickly upon spotting people.

36. One of their main food sources is meadow voles. In the winter, they hunt them by jumping in the air and coming down through the snow headfirst. I have enjoyed watching this entertaining spectacle in Stanley.

37. Once, one of my dogs sniffed noses with a coyote about 100 feet from me near Stanley. I wondered if the coyote was going to attack, but it did not. In fact, they played together for a few minutes and my dog returned unscathed.

38. I also appreciate coyotes because through reading scientific articles and literature over the years, I have learned that they are a critically important part of the ecological health of Idaho's wild lands. Most recently, I read a book titled *Coyote America* by Dan Flores and saw him speak in Ketchum, Idaho. Dan's book discusses the special quality of coyotes and how, as part of their response to the hundred-year effort to eradicate them, they've expanded their range eastward into states where they previously did not live. Dan writes how because of their intelligent adaptability coyotes have been able to survive in significant numbers in large cities like Chicago and New York.

39. I have read about coyotes' biological response to heavy killing, which includes changes in breeding behavior. Killing also breaks up the family structure of existing packs,

causing more dispersal, and more contact with livestock. These are some of the reasons why killing coyotes to protect domestic sheep is never effective. Instead, it is counterproductive and is waste of time and money. I worry that killing is sometimes so heavy in some areas of southern Idaho that it could cause local eradications or serious reductions, which Wildlife Services fails to consider.

40. A much more effective way to protect sheep on the landscape is by having a human presence nearby and by using electric fencing around sheep bands when they bed down at night as well as guard dogs; however, Wildlife Services seems determined not to even consider, much less utilize, such non-lethal control measures.

41. I believe that killing coyotes is much more related to a need to exert control over the natural world rather than protecting domestic sheep or reducing domestic sheep mortality.

42. I have enjoyed learning about the relationship between wolves and coyotes. Wolves are predators of coyotes and can be very effective at killing them. After reintroduction of wolves in 1995, I understand the coyote population dropped significantly in Yellowstone National Park. Having a full suite of carnivores present controls coyotes more than killing coyotes does. But ironically, Wildlife Services kills a great number of wolves as well.

43. Coyotes are an important component of the ecosystem, and killing them has effects that we are only beginning to understand. As Aldo Leopold once said:

The last word in ignorance is the man who says of an animal or plant, "What good is it?" If the land mechanism as a whole is good, then every part is good, whether we understand it or not. If the biota, in the course of aeons, has built something we like but do not understand, then who but a fool would discard seemingly useless parts? To keep every cog and wheel is the first precaution of intelligent tinkering.

44. For these reasons, seeing and hearing coyotes and allowing them to exist in their natural balance in nature is an important part of my enjoyment of Idaho's public lands.

45. I also love seeing all of Idaho's native raptors. Golden eagles are one of my favorites. They are fascinating birds for reasons including their highly acute vision allowing them to see carrion and animal prey from long distances. Because of their preference for open lands, I have seen them many times in my visits to BLM lands in Idaho, including in the Little Wood, Fish Creek, Big Lost, Little Lost, Birch Creek, and Medicine Lodge Creek watersheds. I have also often seen them in Twin Falls and Owyhee Counties. Several times I have seen them eating road-killed deer right next to the road.

46. Unfortunately, their partial diet of carrion puts them at high risk of lead poisoning from consumption of parts of animals shot by hunters or poachers with lead bullets or pellets.

Impacts of Predator Control

47. I have witnessed and been affected by many signs of coyote killing in Idaho over the years, including by Wildlife Services.

48. I've observed coyote carcasses hung on fences on public lands many times. This is done either by the rancher, ranchhand, or Wildlife Services. I believe the idea behind it is to send a message to other coyotes to stay away. However, I have seen no evidence that coyotes get that message. Of course, it also a message to any people who pass by that nature is being dominated in this area. It's always upsetting to see this pointless act of cruelty.

49. I've seen skinned coyote carcasses left on public lands. It is a shocking sight to see, and a distressing experience because of the pointlessness and cruelty.

50. Around 2000, I observed aerial gunning by Wildlife Services between Shoshone and the Timmerman Hills, near the lava fields on west side of highway 75. The aircraft was noticeable because it was a small plane traveling very slowly for an aircraft, at very low altitude (no more than 100 feet above the ground). There was an open window or door, and I could see

the gun pointing out of the side. The plane traveled in a grid back and forth across the landscape. I could hear the gunfire. It was shocking and upsetting to see this, knowing that coyotes were being killed right then and there. I was aware of Wildlife Services, but had never experienced it in person before.

51. A year or two later, I saw another Wildlife Services airplane in the Sawtooth Valley. I could tell it was Wildlife Services because again it was flying slowly and low to the ground, and it matched the appearance of a Wildlife Services plane a friend had informed me was in the area at that time. I believe it was seeking to kill wolves, as this was a time when Wildlife Services was killing wolves in the area. The agency had recently killed the Basin Butte wolf pack to the north of where I saw the airplane. Again, it was very upsetting to see.

52. On trips in Idaho, I have seen the warning signs that Wildlife Service puts up when M-44s have been placed nearby. I recall seeing one in a tributary of Fish Creek (in the southern Pioneer foothills). I was alarmed because I had my dog with me and M-44 devices are deadly for dogs. I immediately left the area to prevent my dog from being attracted by the bait on the M-44 and being poisoned by a deadly fountain of cyanide.

53. I do not recall finding traps or snares myself, but I have had friends find both—in areas where I frequent. Of course it is alarming and stressful to learn these devices are on landscapes that I use. For this reason I am always cautious when recreating with dogs on public lands. I try to stay on the alert for such devices, and signs of dogs in distress.

54. I am particularly alert and wary while visiting public lands sheep allotments, because sheep ranchers are notorious for asking Wildlife Services to kill coyotes and wolves on their allotments. So I know there is a good chance that traps, snares, and/or M-44s have been planted there.

55. For example, several sheep ranchers in the Wood River Valley area are frequent users of Wildlife Services. So I am particularly wary while on their public lands allotments. These include lands west of Hailey, north of Ketchum, in the Little Wood watershed, in the Hyndman Creek watershed (between Hailey & Ketchum), and in the Friedman Creek watershed in the Pioneer foothills. I have been to all these public lands many times.

56. I'm very familiar with the mistaken idea of killing ravens, coyotes, badgers, and/or other predators to assist sage-grouse survival. This has been proposed many times by parties for whom it is inconvenient to address the primary cause of sage-grouse declines—the declining condition of sage-steppe habitat. While I worked for WWP, we successfully brought two cases challenging attempts to do so in Idaho. I am aware that Wildlife Services' 2016 Final EA at issue here again proposes doing so.

57. This proposal is misguided because habitat quality is the key issue for sage-grouse—meaning grass height and cover, sagebrush height and cover, the presence of forbs and healthy springs and seeps and lack of fragmentation of habitat by livestock infrastructure and access roads. The agencies do not wish to address these problems because it would be contrary to the interests of the livestock grazing industry.

58. The proposal also ignores one of the main factors that causes ravens to proliferate: anthropogenic sources of food. Again, this is often related to grazing. As scavengers, ravens are attracted to the dead livestock often found on livestock allotments, particularly when they are dumped together at a dump site. Trash dumps and hunting remains (gut piles) are other major attractants of ravens.

59. It also ignores the fact that sage-grouse evolved with native predators and thrived for millennia.

60. For these reasons, it is a problem that Wildlife Services failed to conduct any site-specific NEPA analysis to understand the impacts of killing ravens or other predators. Indeed, they do not even state where it will occur so that the public can assess other contributing factors to sage-grouse decline in the area, such as whether livestock grazing is severe in the area, or whether there is a nearby dump.

61. For these reasons among others, killing predators for sage-grouse is just another pointless reason for killing native predators. As with coyote killing, it injures my interest in having native wildlife thrive in a natural balance on Idaho public lands.

Injuries from Wildlife Services' predator killing

62. Wildlife Services' program of predator killing in Idaho injures me for the reasons I described above. I care about coyotes as a natural denizen of Idaho public lands, and Wildlife Services' predator killing activities are pointless and cruel, which saddens me.

63. Many of the methods discussed above are cruel because they do not result in a quick kill. Animals caught in a leghold trap may be trapped for hours or days, slowly starving or freezing to death, before the trapper comes along and puts the animal out of its misery. I understand that animals released from traps rarely survive due to the dehydration, starvation, and/or injuries they may have sustained while in the trap. Shooting from a plane is not known for its accuracy, and I suspect that many animals are only wounded and die slowly. And I am aware that Wildlife Services even gasses pups inside their dens. This cruelty saddens me because of my fondness for coyotes and other native animals.

64. One of my favorite characteristics of Idaho public lands is that they are large enough to allow wildlife to flourish in something approaching a natural balance. Wildlife Services' predator killing activities disrupt that balance. As discussed, when coyotes are killed in great

numbers, it affects prey populations, causes reproduction to alter, changes the age balance of the population, and affects everything in the ecosystem. It saddens me to have wildlife on public lands that I care about not being allowed to flourish in their natural balance, but instead to have coyotes being killed in great numbers. I am aware that many of the lands I have described above, such as on the BLM Twin Falls District, are particularly targeted by Wildlife Services. Wildlife Services' killing program diminishes my enjoyment of these lands in dramatic and unwelcome ways.

65. The Wildlife Services predator killing program also causes me a great deal of stress when recreating in many of my favorite areas, whether I am effectively locked out of public lands due to the planting of a deadly M-44 in an area, viewing coyotes being shot from a plane, or avoiding the traps and snares Wildlife Services has placed on sheep allotments.

66. The Wildlife Services predator killing program by shooting so many animals in Idaho with lead bullets harms raptors in Idaho and my interest in viewing them and having them thrive. It is my understanding that Wildlife Services has refused to commit to using lead-free shot. This means that all of the carcasses they have shot pose a threat to scavengers including raptors. It only takes minute amounts of lead to poison animals, so Wildlife Services is contributing to a serious problem. I am sure that the vast majority of coyotes that Wildlife Services shoots get left on the ground, certainly the ones killed by aerial gunning. When I saw the Wildlife Services plane shooting coyotes, it did not land to pick them up. I am concerned that Wildlife Services' predator killing program is poisoning scavengers, including raptors (such as golden eagles), around the state, making it harder for them to survive, and for me to see them.

67. The Wildlife Services proposal to kill predators of sage-grouse injures me because it is pointless, cruel, and only serves to further disrupt the natural balance of wildlife on Idaho's

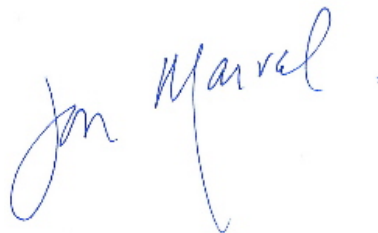
public lands.

68. I have also been dismayed, over my years of conservation advocacy in Idaho, at Wildlife Services' secretive nature. I have asked the agency questions about its operations many times, and have found the agency to be quite unhelpful in disclosing any useful information. I have found their NEPA documents to be exceedingly vague—giving them carte blanche to respond to ranchers' calls for assistance, anywhere, in any way they choose, regardless of impacts on the environment or recreationists. And despite WWP and other groups always asking them to do so, and science showing it would be more effective, Wildlife Services has routinely failed even to consider seriously, much less utilize, non-lethal control measures.

69. In sum, Wildlife Services' predator killing in Idaho harms my personal, aesthetic, emotional, scientific, and other interests, including my deep desire to see Idaho have healthy ecosystems in which all native wildlife thrive in their natural balance.

70. I believe the remedy for my injuries is for Wildlife Services to prepare a fully NEPA-complaint analysis through an EIS that actually discloses its activities and admits to their full impacts, and to halt its predator killing program in the meantime.

I declare under penalty of perjury pursuant to the laws of the United States that the foregoing is true and correct. Executed this 25th day of January, 2018, at Hailey, Idaho.



Jon Marvel