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

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

Plaintiffs,

v.

USDA APHIS WILDLIFE SERVICES,

Defendant.

No. 1:17-cv-206-BLW

**DECLARATION OF KELLY E. NOKES**

I, Kelly E. Nokes, declare as follows:

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

2. I am a part-time resident of Missoula, Montana and a part-time resident of Denver, Colorado.

3. I received a Bachelor of Science from Northern Michigan University in May 2008 with a double-major in Outdoor Recreation, Leadership, and Management and Environmental Conservation. I received a Juris Doctor and Master in Environmental Law and Policy from Vermont Law School in May 2015.

4. I am employed as a staff attorney for WildEarth Guardians (“Guardians”) and have served in this position since September 2017. I came to my current position after serving as Guardians’ Carnivore Advocate from June 2015 through August 2017. I served as a legal intern with Guardians from August through December 2014 as well.

5. As a staff attorney for Guardians, I am primarily responsible for litigating cases under the Endangered Species Act (“ESA”), the National Environmental Policy Act (“NEPA”) and the Freedom of Information Act (“FOIA”). The litigation I bring on behalf of Guardians promotes our organization-wide efforts to ensure government agencies are held accountable to the public and properly abide by the mandates of federal and state laws.

#### **WildEarth Guardians’ Interests in Wildlife Services**

6. Founded as Forest Guardians in 1989, WildEarth Guardians is a 501(c)(3) non-profit organization with offices across the western US. Guardians has over 202,000 members and supporters including over 603 members and supporters in Idaho. We work to protect and

restore wildlife, wild places, wild rivers and health in the American West. WildEarth Guardians envisions a world where wildlife and wild places are respected and valued and our world is sustainable for all beings. Our Wildlife Program works to ensure imperiled species receive the protections they need to survive and recover. The Wildlife Program conducts specific carnivore-centric campaigns working to dispel incorrect myths about native carnivores, protect them from threats including hunting, trapping, poisoning, aerial gunning and habitat loss, and educate the public on the key roles carnivores play in healthy, resilient ecosystems.

7. For over a decade Guardians has extensively campaigned to curtail the cruel and archaic wildlife killing activities administered by the U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Wildlife Services’ (“Wildlife Services”). I am well informed of Wildlife Services wildlife killing activities in Idaho, and across the American West. Wildlife Services is a little-known federal program responsible for killing millions of native animals – including coyotes, foxes, black bears, prairie dogs, and other species – each year. Wildlife Services deploys traps and toxic poisons, chases and guns down wildlife from airplanes and helicopters, and shoots native animals as part of its “predator damage management” operations. The tragic slaughter of our country’s native wildlife rendered by Wildlife Services is appalling to myself and the many Guardians’ members and supporters that I represent.

8. WildEarth Guardians also works to end the use of outdated and cruel “wildlife management techniques” including all forms of trapping, aerial gunning and indiscriminate poisoning.

9. Guardians’ Ending the War on Wildlife Campaign works to address the growing federal threats that Wildlife Services poses to native wildlife and our public lands at the county, state, regional, and federal levels. We have methodically brought lawsuits to ensure Wildlife

Services complies with the mandates of the National Environmental Policy Act, follows the best available science and comports with ethical norms. Guardians has a long-standing interest in ensuring all federal agencies comply with our foundational environmental laws, including NEPA, the ESA and FOIA. We believe that when agencies take a hard look at all the best available information, they are more likely to make the decision in the best interest of our shared environment. In the case of Wildlife Services, that includes ending the use of trapping, aerial gunning and poisoning and adopting a coexistence mandate. Our long-standing interest in fundamental reform of the agency is served by ensuring that robust, scientifically rigorous and honest NEPA documents are provided to the public.

**Personal Interests in Idaho public lands and Wildlife Services**

10. I am passionately committed to my work with Guardians and truly believe in the work I do every day to protect rare and consistently threatened species including wolves, grizzly bears, and lynx, as well as the wide variety of native coyotes, foxes, and other wildlife species that play a pivotal role in maintaining healthy, intact ecosystems. I am proud to provide a voice for these species and for our members, staff, and board who understand the important role native carnivores and wildlife play in our environment and who do not want to see them eradicated from the landscape. I appreciate that Guardians is a regional leader in ensuring that our federal and state wildlife and habitat managers properly carry out their responsibilities in full accordance with the law.

11. I have a sincere professional interest in protecting the West's native wildlife from Wildlife Services' killing activities. I have submitted substantive, scientific and legal commentary to Wildlife Services on behalf of Guardians, our staff, and members objecting to Wildlife Services' lethal predator damage management activities across the West. On a

professional level, I work tirelessly to protect the West's native wildlife from unlawful killing activities and to ensure that premier, pristine wild habit that the West, and in particular Idaho, affords to so many of our nation's rarest imperiled species remains intact.

12. Outside of my employment with Guardians, I also have sincere recreational, educational, aesthetic, and personal interests in protecting native carnivores and other wildlife from injury and death. I am committed to promoting and enhancing the environmental health of the American West, and I personally object to the federal government's use of cruel, unnecessary, and unethical killing techniques upon our native wildlife species. I believe that the wildlife that Wildlife Services persistently persecutes – largely at the behest of agricultural interests and state officials hostile to coexisting with native carnivores on the landscape – is central to the health of the American West's cherished natural resources.

13. I am an avid mountain biker, hiker, trail runner, and backcountry snowboarder and I greatly enjoy participating in these activities in the intact ecosystems the intermountain region of the West provides, including in Idaho. Whenever I participate in these recreational pursuits I go with the hope and intention that I might see a wolf, lynx, grizzly bear, or even a bobcat, coyote, lynx or fox, at home in the wild. I am constantly on the look out for animal tracks in the mud while trail running and mountain biking, or footprints in the snow while skinning into the backcountry.

14. Although I recognize the inherent dangers associated with my recreational pursuits, I participate in these activities in an educated and respectful manner, with the full and honest understanding that I am the visitor to their wild home. I carry bear spray where appropriate, travel with groups as often and possible, and am knowledgeable about how to handle encounters with wildlife. I regularly inform my friends and family that if I were to ever be

injured or killed by a grizzly bear or wolf or other native animal while enjoying the recreational pursuits I love, to make sure the animal is not harmed at my expense, as they have every right to be in their wild habitat.

15. Recreating in beautiful wild places inhabited by native carnivores like wolves, foxes, coyotes and bobcats is what inspired me to make the American West my home, and to follow the career path I have chosen. Spending my free time mountain biking, hiking, trail running, and snowboarding in the wild mountainous habitats where wildlife roams reminds me of why I do what I do every day to protect these wild places and wild creatures. Playing and exploring in the wild each weekend and many days before or after work is what inspires me to do the work I do for Guardians and on behalf of all things wild.

16. I regularly recreate in premier wildlife habitat across the West. In particular, I love the truly wild landscape much of Idaho's rich forestlands afford. For example, in Idaho, I have mountain biked, split-boarded (backcountry snowboarding in which the snowboard splits in two to allow skiing with skins uphill), trail run, and/or camped in the Nez Perce-Clearwater National Forests, the Salmon-Challis National Forest, the Idaho Panhandle National Forest, the Bitterroot National Forest, the Selway-Bitterroot Wilderness Area, the Payette National Forest, and the Sawtooth National Forest, among other locales. I have also recreated throughout the public lands and wild places that comprise the intermountain region – and the borderless home of many of the wildlife mentioned herein – including Montana, Wyoming, Utah, Colorado, Washington, and Oregon, among other states. Many of the forests and Wilderness areas in which I recreate provide some of the last remaining intact habitats for species like lynx, grizzly bears, bobcats, and wolves. The National Forests I recreate in across the State of Idaho represent some of the wildest places I've ever set foot in the Lower 48; and are amongst my favorites. Only my

adventures in Alaska, and British Columbia, Alberta, and the Yukon Territory of Canada come to mind as being more wild and remote than my Idaho adventures have afforded.

17. I regularly adventure in Idaho, and I always keep my eyes peeled for signs of the beautiful wildlife that reside there when I do. My recreational and professional pursuits have instilled in me a strong appreciation for the role wild animals play in the ecosystem.

18. I recently participated in a backcountry mountain bike festival in the heart of the Bitterroot National Forest and based at the Lost Trail Pass Ski Area along the Idaho-Montana border on August 26-27, 2017. This was my second consecutive year participating in that particular event, in addition to the numerous day trips and weekend biking and camping adventures I regularly enjoy in the area on any given summer day. I also celebrated my last birthday by participating in a 12-hour mountain bike race on Bureau of Land Management (“BLM”) administered land in Salmon, Idaho on May 20, 2017 (based at the Discovery Hills Trail System). I have been on at least two trail runs deep into the Selway-Bitterroot Wilderness to soak in the secluded Stanley Hot Springs in 2017, most recently on May 12, 2017. I spent a long weekend mountain biking and camping in and around the awe-inspiring Sawtooth Mountains over the July 4, 2016 holiday with friends. I whitewater rafted the National Wild and Scenic Lochsa River on May 28 and 29, 2016. I biked in the heart of the Payette National Forest near McCall, Idaho on July 23 and 24, 2016. These are but a few examples of my experiences exploring Idaho’s magnificence.

19. I plan to mountain bike, hike, and adventure at various locations in Idaho again throughout the spring, summer and fall of 2018 and beyond. I plan to hike or trail run to hot springs near the Lochsa River in the Selway-Bitterroot region in March 2018 (week of March 12,

2018). I will likely hike or ski on public lands in Idaho as the winter season concludes as well, and will mountain bike in the State in the summer and/or fall of 2018.

### **Injuries from Wildlife Services Activities in Idaho**

20. My personal and professional interests in species like foxes, coyotes, gray wolves, and bobcats are harmed when these rare and essential carnivores are needlessly killed by Wildlife Services' cruel killing activities, especially when these actions are undertaken without the proper environmental review to fully assess the impacts they will have on other animals and the larger environment.

21. The government has a responsibility and duty to ensure that programs carried out under its authorization give due consideration to the full environmental consequences of its actions. Undertaking a program of killing native wildlife is a federal action worthy of full environmental review. And federal law requires such consideration be properly afforded. Such consideration might result in meaningful changes to Wildlife Services' predator damage management program. However, even if Wildlife Services' environmental review were to result in no change to their killing regime, I have a special interest in ensuring Wildlife Services complies with NEPA's procedural requirements and conducts such analysis in the first place. My concrete professional and personal interests in coyotes, foxes, wolves, bobcats, and lynx (among other species), in being fully informed of the impacts of Wildlife Services' predator damage management activities in Idaho upon these species, and in being allowed to participate in the NEPA process are being harmed absent proper environmental review.

22. I believe that if Wildlife Services is required to take a hard look at the impacts of its predator damage management activities in Idaho as required by NEPA, the harm to my interests in protecting native wildlife, enhancing the health of the West's unique natural

ecosystems, and my interest in being fully informed about the nature and impacts of a federal program of killing native wildlife will be lessened. In addition, if Wildlife Services is prohibited from killing native wildlife pending necessary and complete NEPA review, the harms to my personal and professional interests in coyotes, foxes, wolves, lynx, bobcats, and other species will be alleviated because these animals' chances of survival in the wild will necessarily increase. My interests in protecting and viewing native carnivores, protecting native carnivores from needless lethal control, and my interest in being fully educated and informed about Wildlife Services' killing activities in Idaho is harmed when the government allows a program that encourages these and other animals to be killed to proceed without proper compliance with our nation's foremost environmental laws. If Wildlife Services' killing of Idaho's native wildlife might not be allowed until after a full environmental impact statement has been developed and may be changed due to the completion of such an analysis, Idaho's cherished wildlife will be protected from this federal program's killing regime.

23. Pending proper environmental review, numerous target and non-target species might be saved from falling victim to Wildlife Service's cruel killing techniques. My chances for viewing these animals in the wild while pursuing my favorite recreational activities and carrying out my professional duties will be enhanced if a proper environmental analysis of the impacts of allowing Wildlife Services' lethal predator damage management program might result in a decision not to allow such lethal use of force on Idaho's native wildlife after all.

24. Moreover, Guardians' interests in ensuring compliance with NEPA and in protecting native species from cruel and unnecessary killing are injured by Wildlife Services' failure to fully consider the best available science and complete the requisite Environmental Impact Statement.

25. Guardians' organizational and my personal and professional injuries could be remedied by requiring the agency to fully comply with the law.

I declare under penalty of perjury pursuant to the laws of the United States that the foregoing is true and correct. Executed this 26th day of January, 2018 in Denver, Colorado.

*Kelly E. Nokes*

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KELLY E. NOKES