

Talasi B. Brooks (ISB #9712)
Laurence (“Laird”) J. Lucas (ISB #4733)
ADVOCATES FOR THE WEST
P.O. Box 1612
Boise, ID 83712
(208)342-7024
(208)342-8286 (fax)
tbrooks@advocateswest.org
llucas@advocateswest.org

Kristin F. Ruether (ISB #7914)
WESTERN WATERSHEDS PROJECT
P.O. Box 2863
Boise, ID 83701
(208)440-1930
(208)472-4705 (fax)
kruether@westernwatersheds.org

Attorneys for Plaintiffs

**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 JOHN SCHMIDT

I, John Schmidt, declare as follows:

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

Personal Background

2. I am a resident of Pocatello, Idaho and have lived here for about 25 years.
3. I am a software engineer focusing on semiconductors.
4. I am a member of Western Watersheds Project and have been a member since 2002, for around 16 years. I am also a member of its Board of Directors.
5. I am also a member of the Center for Biological Diversity.
6. I moved to Idaho primarily because of the access to public lands and its wilderness and wildlife. I love to recreate on public lands in my free time, for the purposes of hiking, rock climbing, mountaineering, river rafting, enjoying wild nature, and viewing wildlife. I often do these activities with my dog.

Background on Western Watersheds Project

7. As a long-term member and member of WWP's Board, I am familiar with its organizational purposes and structure, and I know WWP's staff and Board and many of our members, particularly in Idaho.
8. WWP is an Idaho non-profit membership conservation group, which currently has offices or staff in Idaho, Arizona, Oregon, Wyoming, and Montana. It is recognized as an IRS 501(c)(3) charitable entity. The mission of Western Watersheds Project is to protect and restore western watersheds and wildlife through education, public policy initiatives, and legal advocacy.
9. WWP currently has about 1500 dues-paying members, plus a larger group of volunteers and supporters, who are located in Idaho and around the United States. Our board,

staff, members, supporters, and volunteers include experienced scientists, as well as a number of former federal and state agency employees.

10. Through the efforts of our board, staff, members, supporters, and volunteers, WWP is actively engaged in a range of issues regarding public lands and wildlife management in Idaho and other western states. Our board, staff, members, supporters, and volunteers spend countless hours touring, inspecting, studying and recreating on public lands in Idaho and other states; monitoring federal agency land management decisions; reviewing draft and final Environmental Impact Statements (EISs), Environmental Assessments (EAs), and other documents prepared by federal agencies to analyze and publicly disclose the environmental impacts of their proposed actions in Idaho and other states; providing factual, scientific and policy-based comments to federal agencies as part of the NEPA process; and publicizing and educating the public about federal land and wildlife management issues in Idaho and other states.

11. WWP has campaigned against Wildlife Services for years due to the indiscriminate nature of its killing, and because WWP disagrees with the fundamental premise that public lands must be made safe for livestock by killing wildlife.

12. In March 2017, after a Wildlife Services M-44 injured a boy and killed his dog in Pocatello, WWP submitted a petition to Wildlife Services asking it to halt all use of M-44s in Idaho (on both public and private land). In its April 2017 response, Wildlife Services agreed to do so until further notice. This temporary moratorium is still in effect. During the summer of 2017, Wildlife Services held meetings in Lewiston, Boise, and Pocatello to attempt to reassure the public about use of M-44s. WWP staff and members (including myself) attended these meetings and disputed Wildlife Services' assurances that M-44s are safe.

13. WWP staff has on several occasions made visits to Capitol Hill to lobby members of Congress to support introduced legislation that would result in a permanent ban on the use of M-44s and Compound 1080 (another poison used by Wildlife Services) nationwide.

14. Having accurate, complete and timely disclosure under NEPA of proposed federal agency actions, reasonable alternatives to their proposed actions, and their potential environmental impacts is crucial for the ability of WWP as an organization to pursue its mission and communicate with its members, supporters, elected officials, and the public.

15. I am aware that Wildlife Services has carried out an extensive program to kill native carnivores for decades in Idaho, including coyotes, foxes, and others. Yet I understand Wildlife Services has never prepared any EIS in compliance with NEPA for its predator killing activities, despite their substantial adverse impacts on wildlife and the environment, and on people – like me and many other WWP members – who love wildlife and are harmed by their killing at the hands of Wildlife Services.

16. I understand that it is difficult for WWP's staff to find out information about Wildlife Services' predator killing programs. The agency does not post much information about when it kills animals and where online, other than a year-end summary of how many animals were killed, which comes in the spring of the following year.

17. Wildlife Services' failure and refusal to publicly disclose and analyze its Idaho wolf killing activities through a NEPA-compliant EIS has directly injured my interests, and the interests of WWP as an organization, in understanding, seeking to influence, and communicating with our members and the public about these highly controversial actions. Because Wildlife Services has repeatedly refused to prepare a NEPA-compliant EIS for its Idaho predator killing

activities, these harms and injuries can only be remedied by a court order requiring the agency to fulfill its NEPA duties through an EIS with respect to its Idaho predator control actions.

Interest in and Experiences Viewing Coyotes and Foxes

18. I visit Idaho public lands regularly. Most weekends will find me recreating somewhere on public lands in Idaho or neighboring states. I seek out areas that I know have a lot of wildlife. Some of my favorite areas to visit in southern Idaho are described below.

19. I enjoy hiking in the Moonlight Mine area (near Moonlight Mountain) east of Pocatello and do so often in the evenings and weekends. I frequently ski, hike and bike the numerous trails on the Caribou National Forest especially in the Mink Creek area.

20. I rock climb in the evenings and weekends at the Massacre Rocks area, which includes both state lands and BLM lands on the Twin Falls District's Burley Field Office. One of our great pleasures after finishing a day of climbing here is enjoying a beer at our car and listening to the coyotes howl in the evenings.

21. A few times per year I hike and ski at Castle Rocks State Park and surrounding areas, which also includes BLM lands on the Twin Falls District's Burley Field Office. And I enjoy rock climbing at Castle Rocks State Park and the nearby City of Rocks area, which includes state and federal lands.

22. When visiting the City of Rocks and Castle Rocks parks we often camp on BLM lands nearby.

23. I bring my dogs on most of these visits to public lands.

24. I have been visiting these public lands for years, and I plan to continue to visit public lands throughout southern and central Idaho in the near future at the same frequency described, for as long as I am able.

25. We have an annual July 4th camping and climbing trip to the City of Rocks and we are planning that trip now.

26. We will also visit the Castle Rocks area as soon as the spring weather permits climbing.

27. I also have my eye on some mountaineering routes in the Pioneer Mountains in and around the Wildhorse Basin area that I hope to attempt in 2018.

28. As noted above, I love recreating on public lands for many reasons, including wildlife viewing. Wildlife viewing is one of my favorite parts of visiting public lands, and I always make it a part of my recreation activity. I often carry binoculars to get a better look at any wildlife I see.

29. I always enjoy viewing coyotes and have done so many times. They are a fascinating species to watch because of their curious and intelligent nature. In the winter I enjoy finding coyote tracks in the snow and seeing how they travel across the landscape, where they explore, and occasionally discover the results of their successful hunts. For this reason, I seek out coyotes on my frequent visits to public lands.

30. Last summer at Massacre Rocks, I enjoyed seeing a coyote silhouetted on a bluff, howling at sunset and communicating with others who returned the call.

31. Another time, just across across the state border in Yellowstone, I saw coyotes sparring with a female wolf for access to a buffalo carcass. The wolf had pups and was trying to get a bone to take to her den. The coyotes were chasing her. The wolf also had to contend with several buffalo standing guard over the carcass. The wolf was finally able to get a bone and make it past the coyotes.

32. Being able to see these type of scenes of wild nature interacting are what I enjoy about Idaho public lands. Idaho public lands provide the increasingly rare opportunity to experience nature in its wild state, and the natural balance of predator and prey.

33. I am a birder and enjoy spotting all native birds, including raptors. When climbing in southern Idaho's world-class climbing areas I often find myself high up on a route and able to look down on hawks, eagles, falcons and vultures. During the migration seasons it's especially enjoyable to be able to see them as they travel through the area.

Experiences with Traps, Snares, and M-44s

34. Unfortunately, I have run into traps a few times over the years. A few years ago, while hunting for morels in the Yankee Fork area on public lands, my wife and I found a leghold trap in the open position. I had my dog with me, so felt very nervous for its safety. It was a reminder that traps can be anywhere, and dogs are not safe to run free on public lands.

35. I have also had a neighbor set traps along a creek in our neighborhood—near other houses and a road. I was very concerned that it could trap dogs in the neighborhood. Of course, dogs and wildlife do not recognize property boundaries.

36. I have never seen a snare on public lands, but I am very cautious and nervous about their presence when recreating with my dog due to their indiscriminate nature. Just this winter, there have been three incidents of snares going awry in my region. A wolverine was mistakenly caught and killed in a snare near Salmon, Idaho a few weeks ago. A mountain lion was shot in Pocatello, very close to my house, after attacking a dog. The lion was found to have a snare around its neck that had become infected. Finally, a dog was caught and killed in a snare in Star Valley, Wyoming, just across the Idaho border, just last week.

37. I have never personally seen an M-44 “cyanide bomb” that I know of, but my home was only about a mile from the incident in 2017 when a boy was injured and his dog killed by an M-44 set by Wildlife Services adjacent to a Pocatello residential neighborhood. The M-44 was on BLM public lands, even though Wildlife Services had promised the public that it had stopped placing them on public lands. After this incident, I am extremely nervous and cautious about hiking with my dog in the hills around Pocatello. I wonder where else they might have been set. I do not necessarily believe that all of them had been removed, as the agency asserted. Therefore we, and all of our friends that we hike with, have to be even more alert when out on the public (and private) lands in the region.

Impacts of Wildlife Services’ Wolf Killing Activities

38. I am aware that Wildlife Services kills about 3,000 coyotes across southern Idaho every year—predominantly by shooting, but also by snares and traps. I understand the agency killed 110 coyotes in snares in Idaho in the last year for which it published its statistics (2016). And I understand that the agency’s coyote killing is concentrated on southern Idaho public lands.

39. Wildlife Service’s program of killing coyotes and other predators in Idaho harms my interest in those animals and my ability to see them, as well as my interest in enjoying Idaho public lands in their natural state.

40. First, as noted above, Wildlife Services has killed and continues to kill predators in places that I visit regularly, care about, and recreate in, including the Pocatello District of BLM. This causes fewer coyotes to be on the land, which degrades my enjoyment of these lands because of how much I enjoy watching, hearing, and tracking coyotes and other predators.

It also degrades my enjoyment by upsetting the natural balance of species, which as mentioned, is important to my enjoyment of Idaho public lands. And frankly, it saddens and infuriates me to know that native wildlife is being killed for no good reason. It is also a waste of taxpayer dollars.

41. Second, I am concerned about how Wildlife Services' coyote gunning introduces lead on the landscape. I am aware that lead is a toxic poison to mammals, and accumulates in scavengers such as raptors. I am concerned that raptors on the public lands in southern Idaho are being poisoned by lead shot used by Wildlife Services to shoot coyotes. This upsets me and has very possibly depressed raptor populations in southern Idaho, which as I mentioned, I greatly enjoy watching.

42. Last but not least, I am injured by Wildlife Services' placement of snares, traps, and M-44 cyanide bombs on the landscape of southern Idaho. As I mentioned, it is extremely stressful to know that these devices are on the lands where I recreate with my dog.

I declare under penalty of perjury pursuant to the laws of the United States that the foregoing is true and correct.

Executed this 23rd day of January, 2018, in Pocatello, Idaho.



John Schmidt