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

WESTERN WATERSHEDS PROJECT,)
WILDEARTH GUARDIANS, and CENTER)
FOR BIOLOGICAL DIVERSITY,)
)
Plaintiffs,)
)
v.)
)
U.S. SHEEP EXPERIMENT STATION, and)
USDA AGRICULTURAL RESEARCH)
SERVICE,)
)
Defendants.)

No. 01:19-cv-065-REB

**DECLARATION OF GREGORY
J. DYSON**

I, GREGORY J. DYSON, state and declare as follows:

1. I have personal knowledge of the facts set forth below, and if called as a witness I would and could truthfully testify to these facts.
2. I live in Albuquerque, New Mexico.
3. I a member of WildEarth Guardians because I support the organization’s mission to protect and restore wildlife, wild places, wild rivers, and the health of the American West. In particular, I support WildEarth Guardians because it takes action like this lawsuit to protect bighorn sheep populations from extirpation. I have been a member since 2004.

4. I have been doing environmental advocacy work since 1994 and bighorn sheep advocacy work in particular since 2005.

5. I was formerly the Wild Places Program Director at WildEarth Guardians, where one of my duties was bighorn advocacy across the West. After that, I was hired as a contractor for the organization to advocate for bighorn sheep. I have been employed or on contract with WildEarth Guardians since 2014.

6. I was also previously Executive Director at Hells-Canyon Preservation Council and was that group's point person on the Hells Canyon–Payette litigation regarding domestic sheep grazing conflicts with bighorn sheep on the Payette National Forest in Idaho, which led to the current best available science for quantifying bighorn/domestic sheep conflicts: the Risk of Contact Model.

WILDEARTH GUARDIANS & ITS WILDLIFE PROGRAM

7. WildEarth Guardians is a 501(c)(3) non-profit organization with offices across the western United States. WildEarth Guardians was founded as Forest Guardians in 1989. WildEarth Guardians has over 238,000 members and supporters, including over 1,000 members and supporters in both Idaho and Montana. WildEarth Guardians envisions a sustainable world where wildlife and wild places are respected and valued. Two of WildEarth Guardians' four programs are its Wildlife and Wild Places Programs, which work to ensure imperiled species receive the protections they need to survive and recover and that they have the habitat to thrive. The two programs include campaigns to protect and restore Rocky Mountain bighorn sheep, grizzly bear, and sage-grouse.

8. After being largely exterminated from their native habitats in the lower 48 states by the 1950s, grizzly populations are slowly on the path to recovery, including in the Greater

Yellowstone Ecosystem (GYE). Grizzly bears, however, face continuing threats from, among other things, lack of habitat connectivity, illegal poaching, and conflicts with livestock grazing, like sheep grazing in the Centennial Mountains. WildEarth Guardians has been and remains involved in campaigns and litigation to protect and restore GYE grizzly bears, including recent litigation successfully challenging the U.S. Fish and Wildlife Service's decision to strip the GYE grizzly of Endangered Species Act protections. WildEarth Guardians continues to watch grizzly recovery and will work to ensure these great bears receive the protections they need to achieve long-term recovery throughout their historic range.

9. Greater sage-grouse inhabit the Sagebrush Sea of the western United States. Sage-grouse range has been reduced by almost half from historic levels, and the species' range-wide abundance has decreased between 69 and 99 percent. In 2010, the U.S. Fish and Wildlife Service determined sage-grouse were eligible for listing and protection under the ESA. But in 2015, after federal agencies and states developed plans to protect sage-grouse (including by excluding some development, livestock grazing, and other activities from some areas of important sage-grouse habitat), the U.S. Fish and Wildlife Service decided not to list greater sage-grouse under the ESA. Despite the new plans around the West, sage-grouse remain at risk from harmful land uses on public land, including livestock grazing. WildEarth Guardians is working to protect sage-grouse by challenging destructive land uses in sage-grouse range, advocating for voluntary grazing permit retirement in the Sagebrush Sea, and seeking to improve sage-grouse management plans that fail to address the most serious threats to the birds.

10. WildEarth Guardians is engaged in similar campaigns to protect Rocky Mountain bighorn sheep. Historically, there were some 2 million bighorn sheep across the West, but now bighorn populations are a mere fraction of that. WildEarth Guardians' bighorn campaign is

focused primarily on protecting bighorn sheep from a pathogen carried by domestic sheep that, when transmitted to bighorn sheep, causes deadly pneumonia in bighorns and reduces lamb survival rates for years. The pathogen (*Mycoplasma ovipneumoniae*) is especially deadly because bighorns and domestic sheep are mutually attracted to each other. Once one bighorn is infected, the disease is easily transmitted to other bighorn in its herd and to other nearby herds. There is no cure or vaccine.

MY WORK TO PROTECT AND RESTORE BIGHORN SHEEP FOR WILDEARTH GUARDIANS

11. My contract work for WildEarth Guardians includes engaging in National Environmental Policy Act (NEPA) processes for projects that impact bighorn sheep in Idaho, Montana, Colorado, and other states. It also includes engaging with federal and state agencies on projects and actions where there is the potential for substantial conflict between bighorn and domestic sheep. Additionally, I facilitate a west-wide group of bighorn advocates to strategize together and share pertinent information.

12. Bighorn sheep are an iconic species of the West; they are the epitome of charismatic megafauna. Getting to see bighorn sheep in the wild moves my soul and motivates me professionally. My knowledge of the history of bighorn sheep is one of my primary motivations for doing bighorn advocacy work. I am deeply motivated by a desire to see bighorn population numbers return to something akin to their historical numbers.

13. I have spent extensive time in areas with bighorn sheep, including the Hells Canyon area of Oregon/Idaho and all around the Colorado Rocky Mountains. Whenever I am out in these areas, my appreciation for bighorn sheep deepens. Bighorn sheep habitat is rugged and not easy to navigate. I am amazed by the fact that bighorn sheep can effortlessly move about harsh mountain conditions and swim across water as big as the Snake River.

14. The Greater Yellowstone Ecosystem and the Continental Divide provide some of the best bighorn sheep habitat in the West. The Centennial Mountains lie in an important east-west corridor, linking wildlife in the GYE to wildlife in protected areas along and near the Continental Divide in Idaho and Montana. Bighorn herds existing near or beyond the east and west sides of the Centennial Mountains are isolated at present, and reestablishing connections through the Centennials is important to the long-term health and survival of bighorn.

15. I first visited the GYE area in 1986 and have returned many times, most recently in October 2015. One of the highlights of those trips has been seeing grizzlies and bighorns in their wild habitat. As a result, I have worked extensively in both Montana and Idaho to limit impacts to grizzlies from roads and impacts to bighorn from domestic sheep. I know that in Montana, 39 of 46 bighorn herds face some risk of contact with domestic sheep. I know that the two bighorn herds in Montana in the vicinity of the Sheep Station have experienced die-offs in recent years: the Hilgard/Lionhead herd in 1997 and the Tendoy Mountains herd in 1999. I also know that Idaho Fish & Game Department has noted that continued domestic sheep grazing near the Snakey Canyon, Kelly Canyon, and Mahogany Butte allotments on Forest Service- and BLM-managed lands is a potential source of contact for the South Beaverhead herd near the Sheep Station.

WILDEARTH GUARDIANS' INVOLVEMENT WITH THE SHEEP STATION

16. For years, WildEarth Guardians has closely monitored and advocated for changes to the Sheep Station's activities because of its impacts on bighorn sheep, grizzly, sage-grouse, and other wildlife.

17. In 2010, WildEarth Guardians submitted comments on the 2009 Environmental Assessment for the Sheep Station's grazing and associated activities. Our comments raised concerns about the lack of value of the Sheep Station's research, and the agency's failure to

consider costs and benefits of its proposed grazing and research. We also raised concerns that the Sheep Station failed to consider the true effects of its grazing to grizzly bear.

18. In 2016, I submitted comments for WildEarth Guardians on the revised draft EIS at issue in this lawsuit. Among other issues, we commented that the revised draft EIS failed to consider and utilize the best available data and science regarding the risk of disease transmission between domestic sheep and bighorn; warned that die-offs from disease have been documented to reduce herd size by more than 50%; and explained how the Sheep Station erroneously disregarded such risks here.

19. One way the Sheep Station downplayed these risks is by emphasizing that bighorn herds are not present on lands grazed by the Sheep Station. However, as explained in our comments, risks to bighorn occur if domestic sheep are introduced to habitat used by or near bighorn herds, like the Sheep Station proposes doing. The Lionhead (aka Hilgard) bighorn herd is approximately 10-11 miles from the East Summer Range. The Tendoy bighorn herd is approximately 20 miles from the Humphrey Ranch. The Southern Beaverhead herd is located within and near the Snakey and Kelly Canyons allotments. We also commented that the Sheep Station's best management practices, including using guard dogs and full-time sheep herders, do not reliably prevent domestic sheep and bighorn from comingling. And the Sheep Station failed to acknowledge that the Centennial Mountains are an essential linkage for establishing a meta-population of bighorn sheep west of Yellowstone.

20. With respect to grizzly bear, WildEarth Guardians highlighted recent incidents in 2012 and 2013 when grizzly bear were killed, apparently after conflicts related to sheep grazing in the Centennial Mountains. Our comments warned that allowing grazing increased in the

Centennials, especially as the GYE grizzly is increasing in population and expanding its range, creating a greater risk of lethal conflict from Sheep Station grazing.

21. We also noted that the Sheep Station failed to consider the effects of the 180 miles of pasture fence located on the Headquarters property. Fences threaten sage-grouse by causing collisions during breeding season, but the revised draft EIS failed to consider these effects.

CONTINUED OPERATIONS AT THE SHEEP STATION HARM ME AND WILDEARTH GUARDIANS

22. Despite WildEarth Guardian's comments, the Sheep Station issued the final EIS, SIR, and ROD, choosing to continue grazing and related operations without addressing serious impacts to bighorn sheep, grizzly bear, and sage-grouse. The Sheep Station acknowledged the potential for adverse effects to these species but improperly ignored or downplayed likely adverse effects and failed to take measures to avoid, minimize, or mitigate them.

23. Protecting these iconic, imperiled species both in the GYE and beyond are critical to WildEarth Guardians mission and the interests of its supporters and members.

24. We have worked for almost a decade to curtail the operations of the Sheep Station because of the significance of the Centennial Mountains and their unique east-west positioning. The Sheep Station is the epitome of an unnecessary risk to bighorn sheep and grizzlies. There is nothing about the research it conducts that must take place in such critical grizzly and bighorn habitat. Reducing the risk caused to grizzlies and bighorns by the Sheep Station's grazing of domestic sheep is of utmost importance to WildEarth Guardians and our members.

25. The Sheep Station's EIS, ROD, and other challenged decision documents do not fully or adequately address the likely adverse impacts to grizzly, bighorn, sage-grouse and other wildlife that I care about, and they deprive myself and other WildEarth Guardians' members, and

the public, of information on those impacts and alternative courses of action that the Sheep Station should fairly evaluate in order to reduce such conflict. A court order reversing the EIS and ROD, and ordering the Sheep Station to fully comply with its duties under NEPA is necessary to prevent further injuries to myself and other WildEarth Guardians' members, and protect the wildlife and habitats at risk from Sheep Station grazing.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 16th day of December, 2019 in Albuquerque, New Mexico.



Gregory J. Dyson