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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 SCOTT
LAKE**

I, SCOTT LAKE, 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 Boise, Idaho.
3. I am Idaho Director of Western Watersheds Project (WWP). I am also a member of WWP.

4. WWP is a 501(c)(3) non-profit organization headquartered in Hailey, Idaho with offices across the western United States. WWP is dedicated to protecting and conserving public lands, wildlife, watersheds, and natural resources in Idaho and across the American West.

5. WWP has more than 9500 members and supporters located throughout Idaho and the United States. WWP, as an organization and on behalf of its members, works to protect and improve wildlife, fisheries, and other natural resources and ecological values of watersheds throughout the West.

6. WWP's members and staff work, live, hunt, study, and recreate throughout the public lands administered by the Bureau of Land Management ("BLM") and the U.S. Forest Service ("Forest Service"), including the BLM and National Forest lands in the vicinity of the U.S. Sheep Experiment Station ("Sheep Station"), and the BLM and National Forest grazing allotments currently permitted to the Sheep Station. WWP's members and staff derive aesthetic, recreational, scientific, inspirational, educational, and other benefits from these public lands on a regular and continuing basis, and intend to do so frequently in the immediate future.

7. WWP's mission to protect watersheds and wildlife habitat includes ongoing efforts to protect the unique and imperiled ecosystems of the Centennial Mountains from the deleterious effects of domestic sheep grazing. In particular, WWP works to protect wildlife—including grizzly bears, sage-grouse, and bighorn sheep—from habitat loss and degradation caused by Sheep Station grazing activities.

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 Centennials. WWP 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 ("ESA") protections. WWP continues to monitor grizzly recovery and will work to ensure this iconic species receives the protections it needs to achieve long-term recovery throughout its historic range.

9. Greater sage-grouse inhabits 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 ("FWS") 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, like "leks" where the birds mate), FWS 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. Further, in 2018, those plans were weakened to provide even less protection for sage-grouse. WWP is working to protect sage grouse by challenging destructive land uses in sage grouse range, advocating for voluntary grazing permit retirement throughout sage-grouse habitat, and seeking to improve sage-grouse management plans that fail to address the most serious threats to the birds.

10. WWP is engaged in similar efforts 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. WWP's bighorn work is focused on protecting bighorn sheep from pathogens carried by domestic sheep that, when transmitted to bighorn sheep, cause

deadly pneumonia in bighorns and reduces lamb survival rates for years. The pathogens are especially deadly because bighorns and domestic sheep are mutually attracted to each other and because once one bighorn is infected, the disease is easily transmitted to other bighorn in its herd and to other nearby herds. Increasing this risk is the fact that male bighorn go on forays which average over 16 miles and can be over 20 miles from their core habitat. Domestic sheep are frequently left behind on the range, creating more risk of bighorn and domestic sheep encounters.

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

12. In 2010, WWP submitted comments on the 2009 Environmental Assessment for the Sheep Station's grazing and associated activities. Our comments raised concerns about: risks to bighorn sheep from *Mycoplasma ovipneumoniae* infection; the inadequacy of the Sheep Station's proposed bighorn sheep protection measures (including "best management practices," or "BMPs"); and impacts to Forest Service lands. WWP's comments also discussed impacts to grizzly bears, black bears, and wolves from Sheep Station grazing activities and associated predator control.

13. In 2011 WWP, along with the Center for Biological Diversity, submitted comments on the draft environmental impact statement ("EIS") for Sheep Station grazing activities at issue in this lawsuit. The comments recommended re-locating the Sheep Station to a location less critical for wildlife and wildlife habitat conservation. The comments also raised concerns about impacts to specific wildlife species in the Centennial Mountains and the GYE, including bighorn sheep, grizzly bears, wolves, pikas, wolverines, and sensitive fish species.

14. In 2012 and 2013, WWP highlighted incidents in which grizzly bears were killed, apparently after conflicts related to Sheep Station grazing in the Centennial mountains.

15. In 2013, WWP sued FWS, the Sheep Station, and the Forest Service, alleging that FWS's Biological Opinion ("BiOp") regarding Sheep Station grazing on Forest Service grazing allotments violated the ESA because it failed to adequately assess threats to GYE grizzly bears from Sheep Station grazing activities, including displacement, harassment, and direct harm to grizzly bears. The parties settled in 2014, and the Sheep Station agreed to close the Sheep Station's Summer East, Summer West, and Meyers Creek Pastures pending completion of a new BiOp.

16. In 2016, WWP submitted comments 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.

17. In 2017, WWP sued the Forest Service, alleging that their authorization of Sheep Station grazing activities on the Snakey and Kelley Canyons grazing allotments violated the National Forest Management Act because it threatened the viability of the South Beaverhead bighorn sheep herd. On WWP's motion, this court granted a preliminary injunction against the challenged grazing. Magistrate Judge Dale concluded that continuing domestic sheep grazing on the Snakey and Kelly Canyons allotments presented a "potentially catastrophic" risk to the South Beaverhead herd from disease transmission. The Court further concluded that the risk to bighorn sheep outweighed any hardship the Sheep Station would suffer if it were forced to relocate its

sheep grazing research. *See WWP v. U.S. Forest Service*, 1:17-cv-00434-CWD, Dkt. No. 28 (D. Idaho, Nov. 20, 2017). Following the Court's ruling, the Forest Service agreed to close the Snakey and Kelley Canyons allotments until it completed a new round of environmental analysis pursuant to NEPA.

18. WWP has also long advocated for closing or relocating the Sheep Station on fiscal grounds. For instance, in July 2014 WWP sent a letter to the chair of the Senate Subcommittee on Agriculture, Rural Developments, Food and Drug Administration, and Related Agencies, supporting the Obama administration's recommendation to close the Sheep Station and relocate and/or discontinue its research programs. WWP's letter highlighted the risks to wildlife, discussed the relatively minimal scientific importance of the Sheep Station's research programs, and noted the declining economic importance of the sheep industry in general. WWP has supported recommendations to close the Sheep Station from both Democratic and Republican administrations, including the Trump administration's 2018 proposal to defund the Sheep Station.

19. Despite WWP's comments, the Sheep Station issued the final EIS, supplemental information report ("SIR"), and record of decision ("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.

20. Protecting these iconic, imperiled species both in the GYE and beyond are critical to WWP's mission and the interests of its supporters and members.

21. Based on the EIS—in addition to WWP’s past experience with the Sheep Station described above—I believe that continuing to operate the Sheep Station under the selected alternative will significantly and irreparably harm wildlife species and habitats that are important to WWP and its members. For instance, continued grazing threatens the local and regional viability and persistence of bighorn sheep, grizzly bear, and sage-grouse, all three of which are central to WWP’s conservation mission and critically important to WWP’s members. Further harm to these species and the habitats they depend on will harm WWP’s organizational interests in wildlife conservation and ecological integrity, as well as WWP’s members’ aesthetic, spiritual, scientific, and recreational interests.

22. 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 WWP 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 WWP 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 Boise, Idaho.

/s/ Scott Lake
Scott Lake