

Laurence J. (“Laird”) Lucas (ISB # 4733)

llucas@advocateswest.org

Todd C. Tucci (ISB # 6526)

ttucci@advocateswest.org

Sarah Stellberg (ISB #10538)

sstellberg@advocateswest.org

Advocates for the West

P.O. Box 1612

Boise, ID 83701

(208) 342-7024

(208) 342-8286 (fax)

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF IDAHO

WESTERN WATERSHEDS PROJECT,
et al.,

Plaintiffs,

v.

DAVID BERNHARDT, Acting
Secretary of Interior; JOSEPH R.
BALASH,* Assistant Secretary of
Interior; BUREAU OF LAND
MANAGEMENT; and U.S. FOREST
SERVICE,

Defendants.

Case No. 1:16-cv-00083-BLW

**DECLARATION OF JONATHAN
MARVEL**

** Official Defendant automatically substituted
per Fed. R. Civ. P. 25(d)*

I, Jonathan (Jon) Marvel 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.
2. I am a current member of Western Watersheds Project and WildEarth Guardians.

3. I have resided in Idaho since 1969 and own property in both Custer and Blaine Counties. I have lived in Hailey, Idaho since 1981.

4. I have a BA in American History from the University of Chicago and a MA graduate degree from the University of Oregon. I have been a licensed architect in Idaho for 39 years.

5. I founded Idaho Watersheds Project in 1993 in order to address the degradation caused by public lands grazing in Idaho that I have observed and encountered. That degradation negatively affects all habitat needs of Greater sage-grouse.

6. 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.

7. Currently I am one of three board members of the Sagebrush Habitat Conservation Fund (Fund) headquartered in Hailey, Idaho. The Fund is dedicated to protecting and restoring sagebrush habitat wherever it occurs across the west. The Fund has successfully retired from livestock grazing over 600,000-acres of public lands in sage-steppe landscapes in four western states since 2011.

8. In my 50 years of living in Idaho I have visited every National Forest and every public lands area administered by Idaho BLM Field Offices. Because I live in south-central Idaho, I have a special interest in sage-steppe landscapes and the wildlife dependent on those landscapes like Greater sage-grouse. As a consequence, I seek out sage-steppe landscapes on public lands in Idaho to visit and revisit every year. I recreate on these public lands and enjoy

visiting them, camping on them and spending on average more than 45 days every year visiting sage-steppe public lands in Idaho that provide habitat for sage-steppe obligate species like Greater sage-grouse. I am often disgusted and upset by the degradation of these landscapes caused by BLM and Forest Service mismanagement especially that caused by domestic livestock grazing.

9. In past years, I have frequently visited a sage-grouse lek located about 18 miles southwest of Hailey on lands administered by the Shoshone Field Office of the BLM in order to experience the mating dance of these remarkable birds. I noticed that the number of lekking male sage-grouse has diminished every year I have visited this lek, and the knowledge of that decline is particularly upsetting to me. I most recently visited this lek earlier this week at dawn and I intend to return to this lek next year in late March to see whether this disturbing trend continues.

10. I have also visited the Copper Basin and Pass Creek allotments in the Salmon-Challis National Forest administered by the Lost River Ranger District and the Mountain Springs and Warm Springs allotments administered by the Challis Field Office of the BLM that include extremely important sage-grouse habitat but which are degraded annually by remarkably mismanaged cattle grazing. I have returned to these four allotments every year for the past 30 years to observe the effects of grazing there. I intend to again to return to these allotments in late July and early August of this year.

11. In October 1995 and November 2013 I visited the remote Garat, 45 and Tent Creek allotments on the Owyhee Field Office of the BLM located in the far southwest corner of Idaho. Those three allotments provide a continuous sage-steppe landscape that now provides a comparison between lands ungrazed-by-livestock for 5 years (the 120,000-acre Tent Creek and

45 allotments) and the very large adjacent Garat allotment that shows annual ravages by livestock grazing impacts. I intend to visit all of those allotments in Owyhee County starting on May 31, 2019 for several days.

12. In August of 2006 I visited the Upper Snake Field Office of the BLM's Crooked Creek allotment located in Clark County, Idaho some 30 miles northwest of Dubois, Idaho. The Crooked Creek allotment has a very large population of wintering sage-grouse and continues to experience poorly managed livestock grazing that reduces habitat cover for sage grouse at all times of the year. I intend to revisit the BLM's Crooked Creek allotment on July 17, 2019 to observe and record sage-steppe habitat conditions.

13. In September 1996 I visited the 100,000-acre Pleasantview and Samaria Hills allotments in Oneida County, Idaho that are administered by the Pocatello Field Office of the BLM to observe significant negative impacts by cattle on sage-grouse habitat. I intend to return to the Pleasantview and Samaria Hills allotment in early September 2019 to observe and record current conditions.

14. Since 2015 I have been an interested public on the 65,000-acre North Shoshone allotment in Lincoln and Camas Counties, Idaho that is administered by the Shoshone Field office of the BLM. I have visited that allotment every year for the last four years typically in the months of August or September. I intend to revisit the North Shoshone allotment in late September 2019. The North Shoshone allotment is the largest BLM allotment located in the Bennett Hills that provide important sage-grouse habitat yet show significant negative impacts to sage-steppe lands from virtually unmanaged cattle grazing authorized by the BLM.

15. In all these cases I am harmed by the level of degradation inflicted on these sage-steppe public lands located across southern and central Idaho by both cattle and sheep grazing.

The shocking failure of BLM management I have observed and which has harmed me and which I continue to observe will only get worse if the BLM's 2019 sage-grouse amendment takes full effect. In particular, the mismanagement of livestock grazing and other activities on these public lands is degrading sagebrush habitats and contributing to the decline of the sage-grouse, a species I deeply appreciate.

16. Through my conservation advocacy I have been involved in working for the protection of sage-steppe landscapes in Idaho for more than 40 years including participating in the development of one of the very first Endangered Species Act listing petitions for Greater sage-grouse almost 20 years ago. I am thus heavily invested in the survival and recovery of this species and the decline of the species due to mismanagement of public lands—and sagebrush habitats in particular—causes me great personal grief.

17. It is my understanding that the Bureau of Land Management (BLM) has recently finalized its 2019 Amendments to the 2015 Greater Sage-Grouse Plans. These amendments relax previously protective restrictions on oil and gas development, livestock grazing, roads and powerlines, and other surface development; and open up millions of acres of public lands where these activities were previously limited under the 2015 Plans. All these changes will negatively affect my use and enjoyment of public lands in sage-steppe landscapes across the west and will harm my recreational, aesthetic, scientific, professional, and other interests.

18. The failure of the BLM to complete an honest, science-based analysis of the significant environmental impact of these rollbacks—to sage grouse populations, their sagebrush habitat, and other public land resources is very upsetting to me as it represents one of the most severe regressions in my lifetime in public land management and protections for native sage-steppe obligate species including Greater sage-grouse. I fear that BLM's reticence to

acknowledge science and engage in science-based land management may result in the extirpation of the sage-grouse. BLM must forthrightly analyze and disclose the effects of its activities to the public and by ignoring the science, the agency has harmed and continues to harm my interests.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 12th day of April, 2019, in Hailey, Idaho.

A handwritten signature in blue ink that reads "Jon Marvel". The signature is written in a cursive style with a period at the end.

Jonathan Marvel