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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

DEFENDERS OF WILDLIFE, NATURAL
RESOURCES DEFENSE COUNCIL,
SIERRA CLUB, HUMANE SOCIETY OF
THE UNITED STATES, CENTER FOR
BIOLOGICAL DIVERSITY, JACKSON
HOLE CONSERVATION ALLIANCE,
FRIENDS OF THE CLEARWATER,
ALLIANCE FOR THE WILD ROCKIES,
OREGON WILD, CASCADIA WILDLANDS
PROJECT, WESTERN WATERSHEDS
PROJECT, and WILDLANDS PROJECT,

Plaintiffs,

vs.

H. DALE HALL, U.S. Fish and Wildlife
Service Director; DIRK KEMPTHORNE,
Secretary of the Interior; and UNITED
STATES FISH AND WILDLIFE SERVICE,

Defendants.

Case No. CV-08-56-M-DWM

**DECLARATION OF JONATHAN
MARVEL**

I, Jonathan Marvel declare as follows:

1. My name is Jonathan Marvel, and I reside in Hailey, Idaho. I have lived and worked in central Idaho for over 39 years.
2. I have been directly involved in public land and wildlife management in Idaho for more than three decades. As an avid student of American politics and history, I have devoted much time and energy towards understanding how public policy affecting public lands and wildlife has evolved and has affected ecological health and native wildlife and fish. During much of the 1980's I became increasingly involved in advocacy efforts, such as reviewing and monitoring federal agency public land management plans, commenting on proposed management decisions, attending public hearings, and similar efforts.
3. My involvement and advocacy regarding public lands and wildlife management led me to co-found Idaho Watersheds Project ("IWP") in 1993, which has grown since that time to over 2000 members (located in Idaho and many other states). Reflecting an expanded mission, in 2001 IWP changed its name to Western Watersheds Project ("WWP"). WWP has its group headquarters at 805 East Fork Road, Clayton, Idaho and offices and staff in Idaho, Utah, California, Arizona and Wyoming. I now serve as Executive Director of WWP.
4. WWP is a non-profit conservation group dedicated to protecting and conserving western watersheds and wildlife, with a particular focus on promoting responsible livestock grazing management on the public lands and enforcing the nation's public lands and environmental laws with respect to the protection of native wildlife and fish and their habitats. WWP and its staff and members have actively participated in agency proceedings as well as litigation and other advocacy efforts concerning management of all National Forest and Bureau of Land Management administered public lands where wolves exist in the Northern Rocky

Mountains. These areas include numerous National Forests and BLM Field Offices in eight states: Colorado, Utah, Nevada, Idaho, Wyoming, Montana, Oregon and Washington.

5. Every year I am in contact with Forest Service and BLM staff on the Sawtooth National Recreation Area ("SNRA"), the Sawtooth, the Salmon-Challis, the Payette, the Boise, the Caribou-Targhee and the Nez Perce National Forests in Idaho and all BLM Field Offices in the Idaho Falls and Twin Falls Districts of the BLM as well as the Bridger-Teton, Shoshone and Bighorn National Forests in Wyoming and the Gallatin and Beaverhead-Deerlodge National Forests in Montana with respect to decisions that may affect wolves and other native wildlife. For each of the last 15 years I have requested and received copies of monitoring reports of these agencies' actions that may affect wolves and other wildlife. Every year I visit many areas on these public lands that are occupied by wolves, and I intend to continue to visit them for the foreseeable future. In April 2007 I personally observed for more than one hour through a spotting scope seven wolves of the Basin Butte wolf pack on Sawtooth National Forest administered lands near Stanley, Idaho as they stalked twelve elk. I seek out places that are occupied by wolves in the hope of seeing wolves on public lands.

6. For the last 8 years Western Watersheds Project has been the Manager of the 432-acre Greenfire Preserve located on over one mile of the East Fork of the Salmon River in Custer County, Idaho. The Greenfire Preserve is the official headquarters of WWP and is managed to protect and restore habitat for native wildlife and fish including three species of fish (Chinook salmon, steelhead trout and bull trout) protected under the Endangered Species Act. In order to accomplish this goal, WWP eliminated livestock grazing from the property eight years ago to enable lands damaged by livestock production to recover and provide habitat for native wildlife

and fish. The Preserve currently provides winter habitat for approximately 250 elk and over 2000 mule deer.

7. As part of WWP's management of the Greenfire Preserve, every effort has been made to encourage the presence on the Preserve of suitable habitat and prey species such as elk and deer to encourage wolves to use the Preserve where they will not be subject to threats or killing by individuals who are opposed to the presence of wolves. Over the last five years I and others have observed wolves on WWP's Greenfire Preserve over a dozen times with wolf packs killing many elk and deer on the property over that time. I and WWP staff and members welcome wolves to the Preserve and seek to ensure that wolves will continue to visit the Preserve by ensuring that the management of the private lands and the public lands adjacent to the Preserve provide for the continued existence of central Idaho wolf packs forever. The March 2008 delisting of wolves by the U.S. Fish and Wildlife Service directly harms the objectives and desires of WWP's members and staff to enjoy the presence of wolves on our private property at the Greenfire Preserve and to protect and restore these native predators to their historic habitat across the western United States.

8. I and other WWP staff and members have raised concerns to the BLM, the Forest Service and the U.S. Fish and Wildlife Service (FWS) for several years about conflicts on public lands between livestock and wolves that result in wolves being killed by Wildlife Services. WWP brought and won litigation in 2002 over the management of the Sawtooth National Recreation Area in order to protect wolves on those 750,000 acres of critical wildlife habitat.

9. I and WWP have expressed concerns in many meetings, tours and letters regarding the management of wolves by the Idaho Department of Fish and Game, Wildlife Services and the U.S. Fish and Wildlife Service. Among many other efforts in this regard, I and

other members and staff of WWP testified repeatedly at public hearings organized by IDFG in 2007 and 2008 in regard to the management of wolves if they were delisted from protections under the Endangered Species Act. In those meetings, tours and letters WWP staff and members and I have raised numerous issues regarding the legality of proposed state management of wolves after delisting and questioning whether the then-proposed delisting of wolves in the Northern Rockies was warranted or legal.

10. WWP, and its staff and members, have deep and long-standing interests in the preservation and protection of wolves in the northern Rocky Mountains. WWP's staff and members use and enjoy the public lands on all the National Forests and BLM Field Offices in all the states where wolves exist in the Northern Rockies in order to observe, photograph, study, and enjoy wolves and other native wildlife species. WWP and its members derive recreational, scientific, aesthetic, spiritual, and commercial benefits from the existence in the wild of this species through observation, study, photography, and other pursuits.

11. Since 1968 I have hiked, camped, floated, and otherwise recreated extensively throughout much of the Northern Rockies and in particular in central Idaho's Frank Church-River-Of-No-Return and Sawtooth Wildernesses including in the Sawtooth, Boise, Payette, Salmon-Challis and Caribou-Targhee National Forests as well as all BLM administered lands adjacent to those National Forests. The delisting of wolves in the Northern Rockies will harm me and the staff and members of WWP by allowing virtually unlimited killing of wolves for any reason throughout the states of Idaho and Wyoming.

12. The recent delisting of wolves by FWS in the northern Rockies has resulted in a sudden and dramatic increase in the killing of wolves in the states of Wyoming and Idaho. I have personally heard reports of over 20 wolves killed in the first three weeks after delisting.

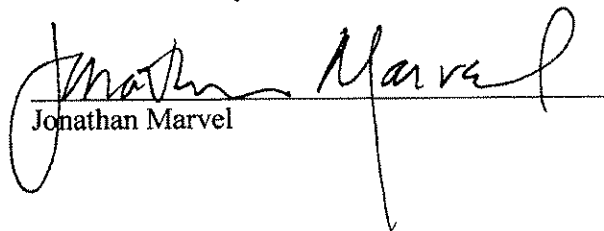
This level of killing of wolves confirms that the harm to wolves is real and continuing. Just a few days ago a person unknown gut shot and killed the alpha male of the Morgan Creek pack only a few miles from WWP's Greenfire Preserve. This killing was not reported, in violation of Idaho law, to the Idaho Department of Fish and Game by the perpetrator who shot the wolf from a state highway. In my judgment absent delisting this wolf would still be alive. Additionally, in my opinion because of the delisting of wolves the State of Idaho has made little effort to find the wolf killer.

13. I personally know many other members of WWP who also frequently visit and recreate on the public lands in the Northern Rocky mountains where wolf packs are and have been present. These members' recreational, aesthetic, health, and other interests are being injured by the killing of wolves without restraint currently taking place because of the delisting of wolves by FWS.

14. I personally, and many other WWP members whom I know well, are deeply involved and interested in the recovery of wolves across Idaho, Wyoming and Montana and in their return to suitable habitat that remains unoccupied in historic wolf habitat in many other western states including Colorado, California, Nevada, Washington, Utah and Oregon. My interests, and those of other WWP members, have been injured by the constant risk of death of Rocky Mountain wolves and wolf packs. These interests will continue to be injured unless the relief requested by Plaintiffs is granted.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 23rd day of April 2008 at Hailey, Idaho.


Jonathan Marvel