

Lauren M. Rule (ISB # 6863)
ADVOCATES FOR THE WEST
PO Box 1612
Boise ID 83701
(208) 342-7024
(208) 342-8286 (fax)
lrule@advocateswest.org

Laurence ("Laird") J. Lucas (ISB # 4733)
PO Box 1342
Boise ID 83701
208-424-1466 (phone and fax)
llucas@lairdlucas.org

Attorneys for Plaintiffs

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

WOLF RECOVERY FOUNDATION, and)
WESTERN WATERSHEDS PROJECT)
)
Original Plaintiffs,)
)
and)
)
THE WILDERNESS SOCIETY, GREAT OLD)
ROADS FOR WILDERNESS, IDAHO)
CONSERVATION LEAGUE, WINTER)
WILDLANDS ALLIANCE, WILDERNESS)
WATCH, and SIERRA CLUB,)
)
Co-Plaintiffs On Third Claim For Relief)
)
v.)
)
U.S FOREST SERVICE and USDA APHIS)
WILDLIFE SERVICES,)
)
Defendants.)

No. 09-cv-686-BLW

**DECLARATION OF
CRAIG GEHRKE**

I, Craig Gehrke, declare:

1. I am the regional director of the Idaho Office of The Wilderness Society. I have been employed by The Wilderness Society for nearly 25 years. During that time The Wilderness Society has been involved in many issues regarding the Frank Church – River of No Return Wilderness, including development of the overall management plan for the Wilderness, development of a noxious weed control program for the Wilderness, and coordinated management efforts among the different national forest units that comprise and manage the Wilderness. Nationally, The Wilderness Society has been involved in legislation that affects the Frank Church- River of No Return Wilderness, including recent legislation dealing with water projects.

2. I have personally floated the Middle Fork of the Salmon River, and the Main Salmon River, and I have hiked, skied and snowshoed within the Frank Church – River of No Return Wilderness many times over the past years. I have taken my children on hikes within the Wilderness for many years. We go there to enjoy the silence and solitude offered by the Wilderness; experiences that are growing harder to find as the Forest Service allows growing numbers of snowmobiles, motorcycles, and off-road vehicles to permeate non-wilderness national forest lands.

3. I work on a regular basis monitoring proposals which could affect the wilderness character of Idaho's designated Wilderness Areas. My personal and professional interests in the protection of Wilderness would be harmed by the proposed action to allow helicopters to chase, capture, and radio collar wolves within the Frank Church – River of No Return Wilderness. Such an intrusion by motorized equipment

strikes at the heart of the values of the Frank Church Wilderness that The Wilderness Society has worked to protect for 75 years.

4. The Wilderness Society was formed 75 years ago this month. The organization's sole purpose was to protect America's heritage of wilderness lands. Today, TWS is the leading national public lands conservation group, working to protect wilderness and inspire Americans to care for our wild places.

5. The Wilderness Society was formed by leaders in wilderness protection. One of the principle founders, Bob Marshall, was the first to propose that large wilderness areas be set aside from development and helped shape federal agency policies on wilderness. In the 1920s Marshall was instrumental in laying the groundwork through which the U.S. Forest Service could legally preserve wild lands. By the early 1930s, the idea of forest primitive areas was well established and had a firm place in Forest Service philosophy. The Idaho Primitive Area was one of the first primitive areas established by the Forest Service in 1931. This area would form the core of what would eventually be designated as the River of No Return Wilderness.

6. The Wilderness Society would become the prime catalyst in Congress to create the National Wilderness Preservation System and a legislative process for expanding that system. By 1956, the first draft of the Wilderness Act was written by Wilderness Society executive director Howard Zahniser. Zahniser would rewrite the legislation 66 times before it was finally signed into law by President Johnson in 1964.

7. Since then, The Wilderness Society has been involved in all the major efforts of wilderness designation across the country, and has been involved in every effort to designate wilderness in Idaho, including designation of the Sawtooth Wilderness, the

Hells Canyon Wilderness, the Gospel-Hump Wilderness, and the River of No Return Wilderness, later re-named the Frank Church – River of No Return Wilderness. The Wilderness Society is also a leader in the management of designated wilderness areas, and reviews proposals and legislation which would affect the management of designated wilderness areas.

8. Much of what today is the Frank Church – River of No Return Wilderness was first known as the Idaho Primitive Area. Established on March 17, 1931, the Forest Service administratively created the 1.1 million acre Idaho Primitive Area “to conserve primitive conditions of environment, habitation, subsistence, and transportation for the enjoyment of those who cherish the early traditions and history of this country and desire to preserve in some degree the traits, qualities, and characteristics upon which this nation was founded.” Later additions increased the size of the Idaho Primitive Area to 1.2 million acres.

9. In 1934 the Salmon River Breaks Primitive Area was established across the Salmon River from the Idaho Primitive Area. This area was eventually included in the Frank Church – River of No Return Wilderness. Further north, the Selway-Bitterroot Primitive Area was established in 1936.

10. During the 1930’s, Wilderness Society founder Bob Marshall worked to expand the primitive area system on national forest lands, and specifically argued that the Idaho Primitive Area should be expanded and the Salmon River Breaks and Selway-Bitterroot areas should be designated as Primitive Areas. During that same period, Marshall argued strongly that the Forest Service stop the construction of what were called “truck trails,” i.e. roads, into areas that qualified for Primitive Area designation.

Marshall's arguments were largely responsible for later additions to the Idaho Primitive Area in 1936, specifically made to protect major tributaries to the Middle Fork of the Salmon River.

11. The Selway-Bitterroot Primitive Area was designated as Wilderness by the 1964 Wilderness Act. The Wilderness Act directed the Forest Service to study primitive areas across the country and make recommendations to Congress for designation as wilderness. This study included the Idaho and Salmon River Breaks Primitive Areas.

12. In 1968 the Wild and Scenic Rivers Act was passed by Congress, designating the Selway River and Middle Fork of the Salmon River as components of the National Wild and Scenic River System. The Salmon River downstream from North Fork, ID was named for study for potential classification. The Wilderness Society was a key player in the national effort to pass the Wild and Scenic Rivers Act.

13. During the 1970s the Forest Service conducted public meetings across Idaho to develop its proposal to Congress as to whether or not, and what part, of the Idaho Primitive Area and Salmon River Breaks Primitive Area should be designated as Wilderness under the 1964 Wilderness Act. The Wilderness Society, along with the Idaho Wildlife Federation, the Sierra Club, the Idaho Alpine Club, the River of No Return Wilderness Council and others, participated in these meetings and also held their own public meetings to gather support for designation of these areas as Wilderness.

14. The national and Idaho conservation groups eventually developed a 2.3 million acre River of No Return Wilderness Area proposal, which included all of the Idaho Primitive Area, the Salmon River Breaks Primitive Area, and key adjacent

undeveloped wild lands. The Wilderness Society was a key player in the effort to publicize and promote designation, both in Idaho and in Washington, D.C., of the River of No Return Wilderness.

15. In 1980 Congress passed the Central Idaho Wilderness Act which created the 2.3 million acre River of No Return Wilderness. Two portions of the main Salmon River were classified under the National Wild and Scenic Rivers Act. In 1984 the name of the Wilderness was changed to the Frank Church – River of No Return Wilderness to honor Senator Frank Church who was the leader to congressionally designate the area as Wilderness.

16. The Wilderness Society, as an organization and on behalf of its members, will be harmed if the Forest Service now allows the use of helicopters to conduct wolf collaring operations in the Frank Church-River of No Return Wilderness. Using helicopters to pursue and dart wolves, and then landing helicopters within the Wilderness, violates the terms of the Wilderness Act and Central Idaho Wilderness Act, and is certainly not necessary for administration of the Frank Church Wilderness. Neither are these helicopter landings the “minimum tool” available to monitor wolf populations in the Wilderness Area. By allowing Idaho Fish and Game to use and land helicopters in the Frank Church Wilderness for wolf management purposes thus causes irreparable harm to myself and other TWS members by violating the core values for which the Frank Church Wilderness was established, and which we treasure.

17. The Forest Service has also violated NEPA, and thereby caused us irreparable harm, by not fully addressing these proposed actions in a public way, so that potential impacts and alternatives could be fully explored and evaluated. Moreover, the

precedent set by the Forest Service's December 2009 decision could result in more extensive use and landings of helicopters in the Wilderness in the future.

18. I request that the Court not condone the Forest Service's violations of law and enjoin the proposed IDFG helicopters landings in the Frank Church-River of No Return Wilderness.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 1st day of February, 2010, at Boise, Idaho.

/s/ _____
Craig Gehrke