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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
DAVID HAYES**

I, David Hayes, declare:

1. My name is David Hayes, and I reside in Boise, Idaho. I have been an Idaho resident since 1979.
2. I retired from the U.S. Forest Service in 1998, after a career of 30 years. At the time of my retirement, I was a timber planner on the Nez Perce National Forest interdisciplinary team. Prior to that time, I had other positions with the Forest Service, including as the recreation planner for the Clearwater Ranger District on the Nez Perce Forest.
3. In the late 1970's, I was asked by Ted Trueblood, who was then President of the River of No Return Wilderness Council, to give an assessment of the timber values and conditions in the Chamberlain Basin, which the Council and others sought to include in the River of No Return Wilderness. To prepare this assessment, I spent a week in the Chamberlain Basin inspecting trees, taking photographs, and evaluating the conditions of the timber stands. Ultimately, of course, the Chamberlain Basin was included within the Central Idaho Wilderness Act of 1980.
4. Since that time, I have returned several times to areas within the Frank Church-River of No Return Wilderness (as it is now called), including the South Fork Salmon River, where I spent a week hunting bighorn sheep. I have taken several trips into the Middle Fork Salmon River, where I have hiked and fished, mostly in the area from Dagger Falls downstream.
5. I have also frequently visited other wilderness areas in Idaho, including the Selway-Bitterroot, Gospel Hump, and the Seven Devils. For instance, a few years ago I took winter ski trip through the Seven Devils, which was about a 30 mile trip.
6. One of the things that most attracts me to spend time in wilderness areas during the winter is to view wildlife, particularly in the Frank Church Wilderness – which has abundant winter range habitat, where wildlife populations are concentrated.
7. I am planning to go into the Middle Fork Salmon River during the week of February 22-26, 2010, in order to view wildlife – including wolves – in the region between the Thomas Bar and Bernard landing strips. I will be camping along the river; and hiking or snowshoeing (depending on snow conditions) up tributaries and ridges, specifically to seek out and observe elk and other big game populations, and to look for wolves, which should be in the same areas. I am particularly interested to observe the interrelationships between big game and their predators; and to experience how wolves that are now returned to the wilderness affect the big game behavior.
8. I object to the proposed use of helicopters to pursue wolves and to land in the wilderness to collar them. It is almost inconceivable to me that I could be in

the Frank Church Wilderness in the winter to watch wolves and big game and their interactions; and then have the intrusion of helicopters disrupting the wildlife and my observations of them.

9. If I experience the IDFG helicopter operations pursuing wolves and scattering wildlife in the wilderness, it will destroy the solitude and quiet that I seek from the wilderness; and irreparably injure my experience of the Frank Church Wilderness during the winter.
10. Because the Forest Service has approved helicopter low level flights and landings in the Frank Church Wilderness, I feel I will be directly harmed by this action unless the Court issues an injunction to stop it.
11. As someone who has worked for the Forest Service in NEPA analysis, I feel it was a real cavalier decision by the Regional Forester to approve of the use of helicopters in the wilderness without doing an appropriate environmental analysis. Had the Forest Service prepared an Environmental Impact Statement, or even an Environmental Assessment under NEPA, I would have been given the opportunity to provide comments and seek to prevent the decision that that participation. I and others have been injured because we have been denied the opportunity to be fully informed and to participate in this decision.
12. I am member of Western Watersheds Project, and have been for several years.

I declare under penalty of perjury pursuant to the laws of the United States that the foregoing is true and correct. Executed this 28th day of January, 2010, at Boise, Idaho.

/s/ David Hayes
David Hayes