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

WESTERN WATERSHEDS PROJECT, and
WILDEARTH GUARDIANS,

Plaintiffs,

v.

U.S. FOREST SERVICE,

Defendant.

**DECLARATION OF GERALD
WALTERS**

I, Gerald Walters, 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.

Professional Qualifications and Experience

2. I have a Bachelor of Arts degree in Political Science from Tarleton State University, which is part of the Texas A&M university system.

3. In 1989, I moved to Challis, Idaho, where I developed a strong interest in bighorn sheep populations after years of visiting my family's cabin, hunting wildlife, and observing bighorn sheep and wildlife in the area. Upon moving to Idaho, I began studying and addressing bighorn sheep population problems and conflicts with domestic sheep, including the massive die-off the Lost River population experienced in the 1980s after domestic sheep grazing was re-introduced on Forest Service allotments in the area. During this time, I also began serving on the board of directors for the Idaho Chapter of the Wild Sheep Foundation and started meeting with the Bureau of Land Management ("BLM"), the Forest Service, and Idaho Fish and Game ("IDFG") to investigate the massive die-offs of bighorn sheep populations in the state.

4. In about 2002, the Lost River Ranger District of the Forest Service and IDFG hired me as a contractor to work on bighorn sheep issues due to my extensive experience with, and knowledge of, the species and its habitat in this part of Idaho. My job duties included collecting biological data about bighorn sheep and their habitat, and investigating possible causes of population die-offs. I also assisted with capturing and collaring dozens of bighorn sheep in Montana and released them in the Lost River area to supplement the small herd that remained after the die-offs in the 1980s. After re-introducing this population, I was tasked with following them and collecting biological data related to their population movements and the success of the

re-introduction plan. The re-introduction program was successful, the population rebounded, and the area is now the top place to hunt bighorn sheep in the state of Idaho because the population is stable. The population has not suffered a major die-off since the re-introductions because domestic sheep were removed from all Forest Service allotments in the Lost River Ranger District in 2002.

5. I continued to work for the USFS, (Lost River Ranger District) as a Project Coordinator and for IDFG until 2007 and again from 2011 until 2015. During this time, I was in charge of collecting biological data on bighorn sheep related to wildlife health, population density, population recruitment, and habitat conditions; my work and this data was intended to support the recovery of bighorn sheep throughout central Idaho, including populations within the South Beaverhead, Lemhi, East Fork of the Salmon, Morgan Creek, and Copper Basin areas in Idaho and the Lionhead herd on the border of Montana and Idaho near Yellowstone. I also gathered bighorn observations in the Centennial mountain range in 2011 where the U.S Department of Agriculture Sheep Experiment Station (“Sheep Station”) ran high-elevation domestic sheep herds. For example, I collected DNA samples from skulls and fecal samples and did necropsies to understand bighorn sheep populations and assess threats from disease. I continued to be involved with capturing and collaring efforts for bighorn sheep and assisting with sheep that appeared sick and were in close proximity to domestic sheep or goats. I also drafted reports, made management recommendations, and worked with other Forest Service experts to protect bighorn sheep from disease and other conflicts.

6. I was involved in making recommendations regarding policy and management issues related to bighorn sheep for the Forest Service. By working with local domestic sheep operators, the IDFG, the BLM and other Ranger Districts, I helped to implement a “Rapid

Response Plan” that provided a protocol for all stakeholders to follow when bighorn sheep were with, or very near, domestic sheep. This protocol was intended to keep bighorn sheep that had contacted domestic sheep or goats from returning to and infecting other members of the bighorn sheep herd to prevent large die-offs. In analyzing and reporting on the biological data I collected, I also advised the Forest Service about management issues and recommendations for livestock grazing allotments. I would make management recommendations, regarding active domestic sheep allotments, when there was a risk that a recovering bighorn population would come into contact with domestic sheep from these allotments. I also provided testimony about bighorn populations and conflicts to the Idaho Fish and Game Commission, state Senate meetings, and federal Congressional representatives.

7. Through these personal and professional experiences, I gained significant knowledge about bighorn sheep populations and habitat, and conflicts between bighorn sheep and domestic sheep on Forest Service livestock grazing allotments.

South Beaverhead Bighorn Sheep Population

8. In 2012, I began radio-collaring, observing, and working with the South Beaverhead Mountains bighorn sheep population, which I continued until my retirement in 2015. I collected biological data pertaining to population, composition, habitat, lamb survival, and herd health. I have observed and studied summer, winter, and lambing habitat and the home range for bighorn sheep in the South Beaverhead Mountains. I used GPS collars to delineate summer and winter ranges and to determine bighorn movement patterns to support lamb survival studies. I analyzed and summarized the status of the bighorn sheep population in the South Beaverhead Mountains in a final 2015 report for the Forest Service. Through these professional experiences

and my review of recent telemetry data and maps, I am very familiar with the South Beaverhead bighorn population.

9. Bighorn sheep in the South Beaverhead Mountains were extirpated by the early 1900s. Between 1976 and 1982, bighorn sheep were translocated to the area and by 1995, IDFG reported 60 bighorn sheep on the range. However, since that time, observations have suggested a decline in population size. 2014 data indicated that only approximately 15 bighorn sheep remained in this population. Current IDFG estimates place the population at around 36 sheep. These numbers are dangerously low. In my opinion, the South Beaverhead bighorn population is below levels needed to maintain viability.

10. I observed bighorns, in their home range, within the southern part of the Beaverhead Mountains. I found they primarily summered at high elevations surrounding Copper Mountain and wintered on, or near, the Wagner Ranch on Highway 28 in Birch Creek, but could be found at any given time of the year between these locations. Bighorn sheep have also been documented on Reno Point and north, along the foothills, to the Wagner Ranch. I have documented members of this bighorn sheep population descending from Copper Mountain, to the valleys below, in a matter of hours, to graze on the alfalfa on the Wagner Ranch, before again returning to Copper Mountain.

11. I have observed the Snakey Canyon and Kelly Canyon grazing allotments on Forest Service land in the Caribou-Targhee National Forest from the higher elevations around the summit of Copper Mountain. I noted at the time, that bighorn sheep, or wandering domestic sheep, could easily contact each other by ascending or descending the ridge lines between Copper Mountain and the Snakey Canyon and Kelly Canyon domestic sheep allotments. In my professional opinion, the Snakey Canyon and Kelly Canyon grazing allotments offer good

summer and winter habitat for the South Beaverhead bighorn population, which is connected to the surrounding habitat in the South Beaverhead Mountains.

12. The Snakey Canyon and Kelly Canyon allotments have historically served as bighorn sheep habitat, when bighorns existed on those lands thousands of years ago. During 2013 and 2014, Dr. Brook S. Arkush, Professor of Anthropology and Sociology at Weber State University, led an archaeological dig in Skull Canyon, near the Wagner Ranch. Dr. Arkush's main research specialty focuses on prehistory of western North America, especially in regard to communal big game hunting, ancient settlement and subsistence systems. I observed the dig and Dr. Arkush stated that his findings in Skull Canyon indicated that prehistoric Native Americans utilized bighorn sheep as their primary wildlife food source as far back as 8000 years ago. Dr. Arkush further indicated that other digs in the area show the use of bighorn sheep, as a primary wildlife food source for prehistoric Native Americans, dates back 10,000 years.

13. Given the extensive suitable habitat for bighorn sheep in the South Beaverhead Mountains, habitat is not the limiting factor for the dwindling and dangerously small South Beaverhead population. The habitat in this area could support a much larger population. In my opinion, disease transmission from domestic to bighorn sheep is preventing the bighorn population from recovering and reaching a stable and viable level. During my studies of bighorn sheep in central Idaho, including the Southern Beaverhead population, the number one limiting factor to healthy viable populations was disease. Disease related deaths were far more prevalent than predation, accidental falls, or any other form of death that I may have documented.

Risk of Contact Between Domestic and Bighorn Sheep on the Allotments

14. Based on my extensive experience observing and working with bighorn populations throughout Idaho, including the South Beaverhead Mountains, I believe there is a

high risk of contact between bighorn sheep and domestic sheep that graze on the Snakey Canyon and Kelly Canyon allotments.

15. In my final report to the Forest Service in 2015, I advised the agency that domestic sheep grazing on the Snakey Canyon and Kelly Canyon allotments poses a risk of disease transmission. My recommendation at the time was based on my observations and telemetry data that revealed the bighorn sheep use habitat near the allotments and that bighorn sheep could easily move to the allotments or stray domestic sheep from the allotments could easily move upslope and contact bighorns.

16. I have reviewed subsequent telemetry data that reveals an even greater risk because bighorn sheep have traveled even closer to the allotments. Those maps reveal radio collared ram #14668 was in very close proximity, and in one case, actually on the Snakey Canyon domestic sheep allotment. This close proximity could easily result in contact between the species. Domestic sheep and bighorn sheep are gregarious and related species, so they are likely to seek each other out and make contact if grazing the same habitat.

17. One reason why the risk of contact is so high is the potential for domestic sheep to stray off the Snakey Canyon and Kelly Canyon allotments and remain in bighorn habitat for weeks or months without any herders present to prevent or report contact with bighorn sheep. In my professional experiences, I observed that domestic sheep are difficult to control and confine to grazing allotments. Given the attraction of the species to each other, stray domestics and bighorns can travel together far distances.

18. For example, on September 27, 2013, domestic sheep were documented within 75 yards of bighorn sheep on the East Fork of the Salmon River. A local rancher, who owns a ranch that bighorn sheep utilize as winter range, and who understands the domestic sheep/bighorn

sheep disease issue, contacted the Lost River Ranger District's wildlife biologist to report the potential contact. The wildlife biologist immediately went to the location, and with help from the rancher and his family, was able to pen the domestic sheep. The ear tag on the domestic ewe indicated that it was owned by Plateau Farms. The nearest domestic sheep allotment that Plateau Farms was permitted to graze in 2013 was in the Sawtooth National Forest sixteen miles from the location where the strays were found. The Boulder and White Cloud mountain ranges lay between the Plateau Farms domestic sheep allotments and where the domestic sheep strays were found, so the domestic sheep must have traversed these high mountain ranges. IDFG tested these domestic sheep and found they carried pathogens that negatively impact the health of bighorn sheep and are associated with population die-offs of bighorn sheep.

19. In the Copper Basin area, I also documented domestic sheep left on an allotment after the authorized grazing season. In four out of five years from 2007 through 2011, a permittee, Lava Lakes Land and Livestock, reported an average of sixty unaccounted domestic sheep losses per year on Actual Use Reports that were filed with the U.S. Forest Service's Lost River Ranger District.

20. I have observed domestic sheep straying in the South Lemhi Mountains as well. Most notably, I witnessed domestic sheep strays from the Sheep Station's winter grazing on the BLM's Bernice Allotment, which is near the Snakey Canyon and Kelly Canyon allotments. On April 20, 2011, approximately two months after the grazing season was over, I observed five domestic ewes that were left on the Bernice allotment. Due to my observation, IDFG contacted the Sheep Station, which sent an employee out to assist an IDFG employee to lethally remove the domestic sheep. The Sheep Station employee indicated that the domestic sheep were the property of the Sheep Station and that he had been trying to remove them for a long time. The

Sheep Station employee said the domestic sheep would just out-climb him, and his horse, during his previous attempts to capture them. The IDFG employees and I helped him load the domestic sheep into his Sheep Station truck, as the station wanted their sheep back. IDFG tested the five domestic sheep strays and found they contained pathogens that negatively impact the health of bighorn sheep and are associated with population die-offs of bighorn sheep. Another example of problems I had with the Sheep Station arose in 2013. A Sheep Station employee, whose job was to ride the allotment once a week to look for bighorn sheep while the domestic sheep were grazing, told me that he had never seen a bighorn sheep on the Bernice allotment. I found this statement hard to believe, as I had documented several ram skulls in close proximity of the domestic sheep bedding area on the Bernice allotment, had personally seen and documented live bighorns on the allotment near the domestic sheep bedding area, and our radio collared data showed bighorns using portions of the allotment near the domestic sheep bedding areas. This example demonstrates that using herders to watch for bighorn sheep is an ineffective best management practice; herders are either unreliable in their reports to the Forest Service or are unable to accurately observe bighorn sheep and determine when they are using or are in the vicinity of grazing allotments.

21. During my tenure, the Forest Service received other documented reports from neighbors that the Sheep Station had left domestic sheep on the range after the grazing season ended. One report found eight ewes survived the winter, and in the spring, each gave birth to two lambs, increasing the number of strays left on the allotment to at least twenty-four.

22. These examples support my professional opinion that domestic sheep are difficult to control and track, and that the Sheep Station has a history of failing to ensure domestic sheep are only grazed during authorized times in authorized areas. The prevalence of domestic sheep

straying from their band and difficulty finding such strays makes reliance on best management practices to prevent contact with bighorn sheep unreasonable.

23. An additional reason the risk of contact is high on the Snakey Canyon and Kelly Canyon allotments is because domestic sheep grazing is authorized to begin in early November during bighorn breeding season. During the breeding season, bighorn rams increase their forays outside of their core home range to look for mates. Because domestic sheep are related to bighorns and both species are gregarious animals, bighorn rams may be attracted to domestic ewes that the Sheep Station is authorized to graze on these allotments and make contact with the ewes when searching for a mate.

24. For these reasons, there is a high risk that domestic sheep grazed on the Snakey Canyon and Kelly Canyon allotments will make contact with bighorns from the South Beaverhead population.

Harm to Bighorn Sheep from Contact with Domestic Sheep

25. Any contact between the South Beaverhead bighorn population and domestic sheep on the Snakey Canyon and Kelly Canyon allotments is likely to cause irreparable harm to the bighorn population.

26. I have personally witnessed the devastating impacts that contact with domestic sheep can have on bighorn populations and am familiar with the science supporting these impacts. I assisted the IDFG wildlife laboratory in handling many of the bighorn sheep that got sick from pneumonia during the massive Hells Canyon population die-off in 1995 in Oregon. The die-off resulted when bighorn sheep had contact with two domestic goats that had recently been exposed to domestic sheep, and then were turned loose near bighorn sheep. This contact transmitted disease to the bighorns that resulted in an all-age die-off killing more than 200

bighorn sheep in the Hells Canyon meta-population. IDFG captured seventy-two sick bighorn sheep from this herd in an effort to save them. I worked with IDFG to monitor and try to save the sheep. Unfortunately, all but six sheep died shortly thereafter.

27. In addition to devastating die-offs, contact and disease transmission between domestic and bighorn sheep can cause poor lamb recruitment among bighorn ewes for upwards of five to seven years after the disease episode begins, keeping bighorn populations at low numbers and preventing their recovery.

28. The South Beaverhead bighorn population is already dangerously low and unlikely to be self-sustaining. The population of around 36 animals is so low it is susceptible to extirpation if it does not expand in size. Grazing on the Snakey Canyon and Kelly Canyon allotments will continue to depress the population and prevent it from reaching a viable level.

29. In my professional opinion, the only management actions the Forest Service can take to prevent contact and disease transmission is to close the Snakey Canyon and Kelly Canyon allotments. Other allotments in this area have been closed on Forest Service and BLM land, making the risks posed by these allotments and the need to close them even more acute.

Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated this 16 day of October 2017 in Orlando, Florida.


Gerald Walters