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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

WILDEARTH GUARDIANS, WESTERN)
WATERSHEDS PROJECT, and KETTLE)
RANGE CONSERVATION GROUP,)

Plaintiffs,)

v.)

GLENN CASAMASSA, Pacific)
Northwest Regional Forester, U.S.)
FOREST SERVICE; RODNEY)
SMOLDON, Forest Supervisor, Colville)
National Forest, and U.S. FOREST)
SERVICE,)

Case Number: 2:20-cv-00223-RMP

**DECLARATION OF JOCELYN
LEROUX IN SUPPORT OF
PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT**

1)
2 Defendants,)
3)
4 and)
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6 Diamond M Ranch, a Washington General)
7 Partnership,)
8)
9 Defendant-Intervenor.)
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I, Jocelyn Leroux, declare and state as follows:

1. The following facts are personally known to me, and if called as a witness I could and would testify truthfully thereto.

Personal Background

2. I hold a bachelor's degree in Biology and Ecology and a master's degree in Environmental Policy.

3. While completing my master's degree, I resided in Bellingham, Washington. During my three years in Bellingham, I spent much of my time familiarizing myself with Washington's numerous and varied public lands and ecosystems. Most frequently, I spent time exploring the North Cascades, each time feeling that the mountains were becoming somehow more and less familiar at the same time. One of my more notable experiences in the Cascades was on Glacier Peak in July 2020. While approaching the peak at dawn I was delighted to see a single set of large, fresh black bear tracks in the snow stretching out across the basin. Knowing that I am sharing my experiences on public lands with such powerful animals is a significant draw to keep venturing out onto public lands.

1 4. I have also taken some time to explore the drier side east of the Cascades. I have
2 spent numerous spring and fall weekends hiking, biking, and camping in the Methow
3 Valley in and around the Lookout wolf pack territory and have spent time backpacking in
4 the Entiat Mountains. More recently, I travelled east across the state on Highway 20,
5 visiting the Kettle River Range for the first time. I was immediately in awe of the rugged
6 mountains, thick forests, and the remote nature of the region.
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9 5. I grew up in the west and have spent my entire life exploring the public lands of
10 the western states for aesthetic, spiritual, recreational, and professional purposes.
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12 6. I have always been fascinated by wolves and grew up reading books about them.
13 While working towards my bachelor's degree I remember learning about the incredible
14 cascade of impacts that they can have on an ecosystem. We read numerous papers and
15 discussed at length the changes in vegetation, river morphology, and prey species habits
16 that were seen in Yellowstone following the reintroduction of wolves. This only
17 increased my fascination with wolves. I was always disappointed that there were not
18 wolves in Colorado where I grew up, so upon moving to Washington I was excited to
19 share the landscape with this creature that has long captivated my attention.
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21 7. Having spent my entire life in the west, I have always appreciated the proximity to
22 large expanses of public lands. But the lands themselves are not anything without the
23 native wildlife and biodiversity that keeps the ecosystems functioning properly. Having
24 spent most of my life in Colorado exploring the public lands and mountain ranges and
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1 four summer seasons in my early twenties leading youth outdoor trips in various
2 wilderness areas in Colorado I grew an appreciation for public lands, but always felt that
3 something was missing. The native carnivores that I had read about in places like
4 Yellowstone and Glacier National Parks were absent from the landscape. This is one of
5 the truly special things about the Colville National Forest. Numerous imperiled species
6 such as grizzly bears, lynx, and whitebark pine exist on the Forest. In the United States,
7 having these populations as well as a strong population of gray wolves is unique. It is
8 disappointing that the Forest Service does not seem to recognize this fact and do
9 everything that it can to protect these unique characteristics of the Colville National
10 Forest.
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15 8. While I was an undergraduate student, I took part in an ongoing study of the
16 Uncompahgre Fritillary Butterfly (UFB), an endangered species of butterfly endemic to
17 the North San Juan mountains of Colorado. The population was dwindling in large part
18 due to habitat loss from various causes, many of which were anthropogenic. The worst
19 day out of two years on the research team was when a herd of domestic sheep—a
20 suspected contributor to UFB habitat loss—were herded straight through one of the few
21 remaining UFB colonies, destroying habitat and likely trampling individual butterflies.
22 Understanding then the importance of habitat connectivity and healthy, functioning
23 ecosystems has propelled me forward professionally. My education in ecology cemented
24 my understanding of the connectedness ecosystems. Each species plays a role and if they
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1 are not allowed to do so because of an invasive use such as deforestation, road
2 construction, or livestock grazing, each species and in turn the entire ecosystem will
3 suffer.
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5 9. Currently, I am employed by Western Watersheds Project (WWP) as the
6 Washington and Montana Director. I have held this position since March 1, 2020.
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8 10. My duties for WWP include reviewing and engaging with proposed decisions
9 from state and federal agencies. This participation in the public comment process
10 includes submitting comments on behalf of WWP's approximately 12,000 members and
11 supporters, filing administrative protests and appeals, and participating in Forest Service
12 objection processes. I spend considerable time reviewing and commenting on draft NEPA
13 analyses. I have engaged in the public comment process for grazing decisions as well as
14 numerous BLM and Forest Service Land and Resource Management Plan revisions.
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18 11. An essential element of my position at WWP is conducting site visits to the
19 public lands throughout Washington and Montana. During these visits I observe the
20 conditions of the uplands, riparian areas, and wildlife habitat. I document these site visits
21 using photographs, notes, and a GPS record. I particularly enjoy this aspect of my job as I
22 get to travel to new locations regularly.
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25 12. Due to my longstanding fascination with wolves and how they occupy a
26 landscape and influence an ecosystem, my site visits in large areas of Washington and
27 Montana are well-suited to my interests and curiosities.
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1 13. Since starting with WWP I have been actively engaged in wolf conservation and
2 recovery in Washington. One of my first major actions in my new position was to join a
3 petition on behalf of WWP for rulemaking to the Washington State Fish and Wildlife
4 Commission in partnership with several conservation organizations including WildEarth
5 Guardians. This petition called for better wolf management that would not result in the
6 repeated killing of wolves for conflict with livestock in the Colville National Forest and
7 elsewhere across the state.
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11 14. I regularly attend meetings of Washington's Wolf Advisory Group (WAG), and
12 often participate in public comment opportunities for decisions involving wolves.
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14 15. I am personally and professionally invested in the humane management of gray
15 wolves. They are an incredible species and are a key component to healthy, functioning
16 ecosystems. Likewise, I am dedicated to the protection and conservation of lynx and
17 grizzly bears, species that are emblematic of large and undisturbed areas of public lands.
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19 **Background on Western Watersheds Project**
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21 16. WWP is an Idaho-based 501(c)3 non-profit membership conservation group with
22 offices or staff in Washington, Idaho, Montana, Wyoming, Nevada, California, and
23 Arizona. WWP also works in Utah, Colorado, New Mexico, and Oregon. WWP's stated
24 mission is to protect and restore western watersheds and wildlife through education,
25 public policy initiatives, and legal advocacy.
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1 17. WWP has members and supporters throughout the United States, including many
2 members and supporters who live in Washington. Our board, staff, members, supporters,
3 and volunteers include many highly-trained and experienced scientists, as well as a
4 number of former federal and state agency employees.
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6 18. Through the efforts of our board, staff, members, supporters, and volunteers,
7 WWP is actively engaged in a range of issues regarding public lands and wildlife
8 management in Washington and other western states. Our board, staff, members,
9 supporters, and volunteers spend countless hours touring, inspecting, studying and
10 recreating on public lands in Washington and other states; monitoring federal agency land
11 management decisions; reviewing draft and final Environmental Impact Statements
12 (EISs), Environmental Assessments (EAs), and other documents prepared by federal
13 agencies to analyze and publicly disclose the environmental impacts of their proposed
14 actions in Washington and other states; providing factual, scientific and policy-based
15 comments to federal agencies as part of the NEPA process; and publicizing and educating
16 the public about federal land and wildlife management issues in Washington and other
17 states.
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24 19. For example, WWP participated extensively in the process surrounding the
25 Colville National Forest's revised Forest Plan, and advocated throughout that process for
26 managing grazing to better protect wolves and other native predators. WWP submitted
27 comments on the Draft Plan and DEIS in 2016, submitted a joint objection with Kettle
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1 Range Conservation Group and The Lands Council in November 2018, and finally
2 participated in the objection resolution meeting by phone in June 2019. Throughout the
3 process we explicitly asked the Forest Service to fully analyze the impacts of livestock
4 grazing on riparian areas, vegetation, and wildlife. Further, throughout the plan revision
5 process, we repeatedly called on the Forest Service to address the presence of wolves,
6 and how this might impact livestock grazing, wolf/livestock conflict, and the ability of
7 the State of Washington to recover the state's endangered species. Likewise, WWP called
8 upon the Forest Service to fully analyze the impacts of the livestock grazing program on
9 habitat and connectivity areas for grizzly bears and Canada lynx. Livestock grazing has a
10 significant impact on wildlife species and vegetation in the Colville National Forest and
11 throughout the Forest Plan Revision process, WWP provided ample evidence of these
12 impacts.
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18 20. Having accurate, complete and timely disclosure under NEPA of proposed federal
19 agency actions, reasonable alternatives to their proposed actions, and their potential
20 environmental impacts is crucial for me to be able to do my job properly, and to the
21 ability of WWP as an organization to pursue its mission and communicate with its
22 members, supporters and the public.
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25 21. Personally, and on behalf of WWP and its members and supporters, I have a
26 strong interest in seeing federal lands managed for healthy native ecosystems where apex
27 predators like wolves are allowed to play their natural role. I have a strong interest in
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1 seeing that the Forest Service manages livestock grazing on federal lands in a way that
2 protects and restores their native biodiversity and ecological values—including by
3 making sure that privately owned livestock do not imperil survival or recovery of native
4 predators and other Threatened, Endangered, candidate, proposed or sensitive species. I
5 have a strong interest in seeing that livestock grazing is not allowed on lands that are
6 unsuitable for livestock grazing, like densely-forested portions of the Colville National
7 Forest. I have a strong interest in having the Forest Service comply with the substantive
8 and procedural requirements of federal law including the National Environmental Policy
9 Act (NEPA), the National Forest Management Act (NFMA), and the Endangered Species
10 Act (ESA) and their implementing regulations. When the Forest Service violates federal
11 laws and regulations, it harms my interests and those of WWP.

12 22. For instance, because the Forest Service has never considered the effects of its
13 livestock grazing authorizations to Diamond M or other permittees on recovering gray
14 wolves in a NEPA analysis—either at the Allotment Management Plan level or the Forest
15 Plan level—it has never considered that those authorizations are the leading contributor
16 to anthropogenic wolf mortality in Washington. Neither has the Forest Service provided
17 information about the impacts of the grazing it authorizes on wolf recovery or the
18 environment to the public. Had the Forest Service completed a NEPA analysis
19 considering the effects of the livestock grazing it authorizes on wolves and the
20 environment, the public could have scrutinized and provided input on that analysis, which
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1 might ultimately have led the Forest Service to change grazing authorizations to better
2 protect wolves and the environment. The Forest Service could also have considered
3 alternatives that might have better protected these species and their habitats. This
4 outcome would better protect my interests and those of WWP. Even if the Forest Service
5 did not ultimately change grazing as a result of the analysis, however, it would still
6 protect my interests to have the Forest Service follow the required procedure especially
7 because more information about Forest Service grazing management on Diamond M's
8 allotments and its impacts on wolves and the environment would be readily available to
9 the public. Instead, it appears that the Forest Service has not considered how its
10 management might affect the survival and recovery of gray wolves on the Forest at all.

15 23. Having the Forest Service consult with the U.S. Fish and Wildlife Service over
16 impacts to Threatened Canada lynx, grizzly bears, and whitebark pine from grazing it
17 authorizes also protects my interests and those of WWP. I have a strong interest in the
18 recovery of imperiled species on the Colville National Forest and throughout the West.
19 By consulting with the U.S. Fish and Wildlife Service, the Forest Service ensures that the
20 needs of these species are taken into account in its management decisions. Had the Forest
21 Service consulted with the U.S. Fish and Wildlife Service about impacts to Canada lynx,
22 grizzly bears, and whitebark pine from its grazing authorizations, it might have adopted
23 measures to better protect these species and their habitats from livestock grazing. But
24 even if nothing changed as a result of the required consultation, my interests and those of
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1 WWP would be protected by the agency considering and prioritizing the needs of these
2 species in rendering its management decisions, as it is required to do by law.

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4 24. Finally, WWP and its members and supporters, including myself, have a strong
5 interest in having the Forest Service follow its own Forest Plan, especially standards,
6 guidelines, and desired conditions involving Threatened, Endangered, candidate,
7 proposed, and sensitive species. My interests, and those of WWP are harmed when the
8 Forest Service does not follow its own management mandates.
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11 25. My harms, and those of WWP and its members and supporters, would be lessened
12 if the Forest Service were required by the Court to adhere to the requirements of law. In
13 particular, my harms would be lessened if the Forest Service were required to take
14 concrete measures to prevent conflicts between livestock grazing on public lands and
15 wolves. My harms would also be lessened if the Forest Service were required to at least
16 consider the needs of wolves and/or other imperiled species like lynx, grizzly bears, and
17 whitebark pine in rendering its management decisions. My harms would be significantly
18 decreased by a court order preventing the Colville National Forest from authorizing
19 livestock grazing on these sensitive allotments until it has complied with the law.
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24 **Colville National Forest**

25 26. I first visited the Colville National Forest in June 2020. I spent three days, June
26 10-12, camping, hiking, photographing, and observing the wildlife and ecosystem health.
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1 27. On June 10, I drove towards the Kettle River Range from the west. I drove into
2 the Copper-Mires grazing allotment and went for a short hike. The impacts of livestock
3 grazing were immediately apparent with evidence of trampling and feces in a riparian
4 area. Further along, I discovered several water developments surrounded by trampled
5 soil, tangled barbed wire, dandelions, and Kentucky bluegrass.
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8 28. While continuing through the allotment towards the northern boundary, I came
9 upon cows that had just been turned out being herded up the road. Due to the dense
10 vegetation everywhere except the road and a few small meadow areas, the cows were
11 confined to the road, and did not know what to do when I approached in my vehicle. On
12 several occasions they turned and ran back down the road that they had come from for
13 several minutes before they found a place to move off of the road.
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16 29. That evening, I camped and hiked in the Lambert allotment on the west side of
17 Lambert Mountain at the Lambert Trailhead. I discovered a salt block placed at the
18 trailhead where I was camped, indicating that once cattle were in that portion of the
19 allotment, they would congregate in the trailhead area. And, if the salt block placement in
20 the Copper-Mires grazing allotment was any indication, the trailhead area would quickly
21 be degraded by the congregation of cattle (pictured below).
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Figure 1. Cows in a wet meadow area where a salt block had been placed. The area had been covered by grass the previous day, but because of the salt block placement and subsequent concentration of cows, the area had been turned to a mud pit. Photo taken June 11, 2020.

30. Upon leaving the trailhead, I discovered two very large piles of bear scat. Because there were no tracks, I was unable to determine if it came from a black or grizzly bear. Due to the size of the scat, I was excited to think about the possibility of grizzly bears in the area. I also noted the placement of two more salt blocks along the side of the Forest Road, indicating that whichever type of bear it was, it would soon be displaced by cattle.

31. On June 11, I drove to the CC Mountain grazing allotment to hike, photograph, and observe conditions. I discovered similar conditions and was again astonished by the small size of the calves that were on the allotment. All of the cows that I observed were

1 bunched in a small meadow area near a stream due to the dense forest elsewhere on the
2 allotment.

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4 32. The cows on the allotment were cow/calf pairs. I photographed several of these
5 pairs and in doing so noted the small size of the calves. From my observations, it is
6 highly unlikely that the calves I saw on the CC Mountain and Copper-Mires allotments
7 were 200lbs. (pictured below)
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Figures 2, 3, 4. Underweight calves photographed on the CC Mountain allotment on June 11, 2020

33. Upon inspection of several water developments on the flank of CC Mountain, I found signs of trampling and noted the presence of feces. A fence surrounding a spring had been breached by fallen trees, and at least one post had fallen over (pictured below). As the permittees are responsible for maintaining such structures prior to turnout for the year, this was disappointing to see. I can only hope that the cattle were unable to pass the fallen trees to impact the spring head.



1 Figure 5. A fence post that is part of a spring exclosure fence found lying on the ground.

2 34. Livestock that graze in these areas of the Colville National Forest do excessive
3 amounts of damage to portions of the allotments where they are concentrated. Because of
4 the steep, rugged terrain and dense forests, cattle have no choice except to gather on and
5 beside roadways, trailheads, waterways, water developments, and in meadows. These
6 conditions not only lead to concentrated ecological impacts, but also make livestock more
7 vulnerable to wolf depredation. Cows that have nowhere to run are easy targets,
8 increasing the likelihood of depredation. In the current system of management, without
9 any measures to prevent or deter livestock conflicts, this leads to wolves being killed by
10 the Washington Department of Fish and Wildlife in retribution for such conflicts, year
11 after year. I am frustrated that cows are allowed to graze in these conditions without any
12 measures to deter conflicts with wolves.

13 35. Wolves are well suited to the wild and rugged Kettle River Range, cows are not. I
14 consistently observed and photographed the trampling of riparian areas and severe
15 degradation of meadows. On several occasions, such as in the Hope Mountain and
16 Churchill allotments, these observations were made in areas that had not yet been grazed
17 that season, pointing to serious long-term impacts to the ecosystem in the Colville
18 National Forest.

19 36. There are incredible examples of the impact that wolves and other top predators
20 can have on an ecosystem because of their influence on the behavior patterns of prey
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1 species. A growing body of research highlights the “trophic cascade” of effects created
2 by wolves as apex predators. The ecology of fear impact on prey species reduces over
3 grazing of riparian corridors and aspen stands. This allows the regeneration of healthy
4 riparian vegetation which invites migratory bird species and can create and sustain habitat
5 for various native fish. The presence of carnivores can affect everything from vegetation
6 structure to river morphology to availability of carrion and insect communities in an
7 ecosystem. These effects of the presence or absence of top carnivores have been studied
8 extensively in Yellowstone, but also in Olympic, Yosemite, Zion, and Wind Cave
9 National Parks, and in other places across the west and around the world. Various studies
10 have assessed the cascading impacts that the removal of top carnivores had to ecosystems
11 around the world.

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16 37. Everywhere I looked when visiting the Colville National Forest, I found ample
17 signs of past and present livestock grazing. Yet, this is not why I—or most other
18 members of the public—visit public lands. I visit for the aesthetic and spiritual values of
19 being in vast, wild spaces that are increased by ecological integrity. This includes the
20 presence of native wildlife such as grizzly bears, lynx, and gray wolves and native
21 vegetation such as whitebark pine. Whitebark pine is emblematic of high-altitude
22 ecosystems and the image of these great trees with upturned needles seem to be
23 gatekeepers to alpine environments. Livestock grazing on National Forests is a business
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1 that does not support these public lands values. It degrades the aesthetic and ecosystem
2 values that I—and many other members of the public—associate with public lands.

3 38. I can count on two hands the number of piles of bear scat that I saw, I saw no wolf
4 sign, and only a handful of white-tailed deer. Yet, the signs of cattle were ubiquitous.
5 Livestock grazing on public lands is an extractive industry, and often incompatible with
6 the numerous native wildlife species that people visit public lands to enjoy.
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8 39. I plan to visit the Colville National Forest again in late May of this year and into
9 the future. This time, in addition to site visits, I hope to backpack along the Kettle Crest
10 and spend more time viewing wildlife. I hope to hike amongst and camp near whitebark
11 pine. I also hope to see lynx, wolves, grizzlies and their sign, and I hope to get to listen to
12 the chorus of howling wolves.
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14 I declare under penalty of perjury that the foregoing is true and correct. Executed
15 this 22nd day of January, 2021, in Missoula, Montana.
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Jocelyn Leroux