

Exhibit 9
in support of
Appellants' Motion to Expedite and Consolidate Proceedings in
Ctr. for Biological Diversity et al. v. Salazar et al.,
Civ. No. 11-35670
(Declaration of Jonathan Marvel)

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

ALLIANCE FOR THE WILD
ROCKIES, et al.,

Plaintiffs,

vs.

KEN SALAZAR, et al.,

Defendants.

CENTER FOR BIOLOGICAL
DIVERSITY, et al.,

Plaintiffs,

vs.

KEN SALAZAR, et al.,

Defendants.

CV 11-70-M-DWM
CV 11-71-M-DWM

DECLARATION OF JONATHAN
MARVEL

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

2. This declaration addresses my and Western Watersheds Project's long held interest in wolves and their protection, and how the removal of Endangered Species Act (ESA) protections from wolves in the Northern Rocky Mountains (NRM) will adversely harm these interests.

3. I reside in Hailey, Idaho, and have lived and worked in central Idaho for over 40 years.

4. I have been directly involved in public land and wildlife management in Idaho for more than three decades, and have devoted much time and energy towards understanding how public policy has affected the ecological health of native wildlife. During 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.

5. 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 1,500 members (located in Idaho and many other states) with an annual budget of \$900,000. 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, California, Arizona, Montana and Wyoming. I now serve as Executive Director of WWP, and I am also a member.

6. WWP is a non-profit conservation group dedicated to protecting and restoring western watersheds and wildlife, with a particular focus on promoting responsible livestock grazing management on 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 including Colorado, Utah, Nevada, Idaho, Wyoming, Montana, Oregon and Washington.

7. 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.

8. Protection and recovery of gray wolves is of great importance to me and to WWP, as part of our programs and efforts to protect western watersheds and native wildlife. WWP members and staff participate in government decision-making and other actions to advocate for gray wolf protection and recovery, and to inform and influence agency decisions affecting wolves and their habitat and prey.

9. For example, every year I am in contact with Forest Service and BLM staff in Idaho, Montana and Wyoming regarding decisions that may affect wolves and other native wildlife. Forests and BLM offices I contact include 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.

10. I am concerned and WWP is also concerned about wolf protection and recovery because of WWP’s management of the Greenfire Preserve located

on the East Fork of the Salmon River in Custer County, Idaho. The Greenfire Preserve is a 432-acre area that serves as the official WWP headquarters, and which WWP has managed since 2000. WWP manages the area to protect and restore habitat for native wildlife and native fish including three species of fish (Chinook salmon, steelhead trout and bull trout) protected under the ESA. To accomplish this goal, WWP eliminated livestock grazing from the property eleven 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.

11. WWP manages the Preserve for 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 that they face elsewhere. Over the last several years I and others have observed wolves on the 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.

12.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 and ranchers. 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.

13.I and WWP staff and members 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 FWS. 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.

14.I and WWP staff and members opposed the FWS' delisting of NRM gray wolves in 2009, because of concerns the population was not yet fully recovered, and that the states did not have adequate management plans to protect wolves and continue their recovery. When the FWS issued its final delisting rule in April 2009, WWP along with several other conservation groups brought litigation challenging the legality of the delisting rule. WWP won the lawsuit, and this court ruled that the delisting rule was

unlawful and ordered gray wolves returned to the ESA list. Defenders of Wildlife et al. v. Salazar et al., 729 F.Supp.2d 1207 (D. Mont. 2010) (“DOW v. Salazar”); see 75 Fed. Reg. 65,574 (Oct. 26, 2010) (reinstating ESA protections for the gray wolf in the northern Rockies). The court’s order was appealed by several parties, and these appeals are still pending in the Ninth Circuit Court of Appeals, and WWP is prepared to defend the district court ruling and work to ensure that wolves remain on the ESA list until their removal is justified by full recovery and by state management plans that will ensure their continued survival and recovery. WWP continues to seek to ensure adequate protections are in place for wolves throughout the NRM.

15.I and other staff and members of WWP opposed efforts by some members of Congress to include riders to the recently passed continuing appropriations act that would partially or fully delist wolves in the NRM. Unfortunately, a rider was attached to the act (P.L. 112-10) that directed the FWS to reinstate the delisting rule that this court had deemed unlawful, and which was still unresolved on appeal. WWP is deeply concerned about this action, and its implications for wolves and other species protected by the ESA.

16.I and other members and staff of WWP regularly visit areas of public and private land that wolves inhabit, and seek out opportunities to observe

wolves in their native habitat in the wild. I and other members of WWP are concerned about the impacts delisting will have on our ability to observe wolves in the places we visit.

17. Every year I visit many areas on public lands that are occupied by wolves, and I intend to continue to visit them for the foreseeable future. I frequently seek out places that are occupied by wolves in the hope of seeing or hearing wolves, or seeing signs of them.

18. In April 2007 I personally observed seven wolves of the Basin Butte wolf pack on Sawtooth National Forest administered lands near Stanley, Idaho as they stalked twelve elk. I was able to watch them for over an hour through a spotting scope. It was a thrilling experience, and I continue to seek opportunities to similarly observe wolves in the wild. In 2008 I observed wolves belonging to the Phantom Hill, Galena or Basin Butte packs in central Idaho on three separate occasions.

19. Even more recently, in the summer of 2010 I heard wolves howling west of Stanley, Idaho, and in 2011 I heard wolves in the Valley Creek Watershed northwest of Stanley, and in the Seaman's Gulch area east of Bellevue, Idaho. Hearing and seeing wolves is always a welcome and rewarding experience for me.

20. Since 1962 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.

21. I regularly visit many of these areas, and I intend to return to places where I know wolves to be present in 2011 and in future years to seek sightings of wolves and the opportunity to hear wolves howl and otherwise vocalize including as follows: I intend to visit the Valley Creek watershed on the Sawtooth National Recreation Area where the sole remaining wolf of the Basin Butte pack has become part of a new unnamed wolf pack on May 29, 2011 and also on June 15, 18 and 25, 2011 as well as at least four dates in August and September 2011; I intend to visit the East Fork of the Salmon River watershed on the Salmon-Challis National Forest where a new wolf pack has established residence in 2011 on the following dates: June 10 and 11, July 22 and 23 and September 15 and 16, 2011; I intend to visit the Seaman's Gulch area east of Bellevue, Idaho on May 27, 2011 and on June 4, 2011 and on August 15, 2011 in order to listen and look for wolves that are known to be in that place. I also intend to visit each of these locations in 2012 and each subsequent year as well as other places where wolves are found in Idaho.

22. Other staff and members of WWP whom I know, 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.

23. It is devastating when wolves are killed in the areas I visit and I no longer have the same opportunities to observe them on the public lands I frequent. One of the packs I used to observe - the Basin Butte pack near Stanley, Idaho - was killed by Wildlife Services in 2010, leaving only one wolf from the pack alive as far as I know. It is upsetting that nearly the entire pack was killed, even while the wolves were protected under the ESA. Now that wolves are delisted again, I am very concerned about what will happen to other wolf packs in the areas I visit and areas that other WWP members and staff visit, including wolves that use our Greenfire Preserve.

24. One of my greatest concerns is that Idaho and other states managing NRM wolves without ESA protections will allow the use of snares and poison to destroy wolves. These methods cause the greatest rate of destruction of wolves. I am also gravely concerned about the potential that Idaho and other states will authorize year-round hunting of wolves, which is especially concerning during breeding, welping, and litter-raising periods, from February through August. These seasons and methods for

wolf killing have been suggested by members of the public in Idaho, and at least some of these suggestions are being considered by Idaho state officials for wolf management by the state.

25. WWP, and its staff and members, including me, have deep and long-standing interests in the preservation and protection of wolves in the northern Rocky Mountains. 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. I personally share these interests and benefits from the existence of wolves in the wild and their presence in areas I visit and use.

26. The management of wolves by states within the NRM without the protections of the ESA will harm me and the staff and members of WWP by allowing increased killing of wolves within those states, and other actions that will adversely affect wolves and their native habitat.

27. 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 injured by the removal of ESA protections for NRM wolves, and by the killing of wolves that will result from their delisting.

28. The removal of protections, and the increase in killing wolves presents harm to my and WWP's interests and efforts in wolf preservation and recovery, and in observing wolves on public lands throughout the NRM.

29. All 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 26th day of May 2011 at Hailey, Idaho.

A handwritten signature in blue ink that reads "Jon Marvel". The signature is written in a cursive, flowing style.

Jonathan Marvel