

Summer L. Nelson
Western Watersheds Project
Montana Legal Counsel
P.O. Box 7681
Missoula, MT 59807
(406)830-3099
(406)830-3085 FAX
summer@westernwatersheds.org

Rebecca K. Smith
Public Interest Defense Center, P.C.
P.O. Box 7584
Missoula, MT 59807
(406) 531-8133
(406) 830-3085 FAX
publicdefense@gmail.com

Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

<p>WESTERN WATERSHEDS PROJECT, et al.,</p> <p>Plaintiffs,</p> <p>v.</p> <p>SALAZAR, et al.,</p> <p>Defendants.</p>	<p>CV-09-159-M-CCL</p> <p>DECLARATION OF GLENN HOCKETT</p>
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DECLARATION OF GLENN HOCKETT

Pursuant to 28 U. S. C. § 1746, I, Glenn Hockett, hereby declare under penalty of perjury that the following is true and correct:

1. I am a member of, and the volunteer president of the Gallatin Wildlife Association. The Gallatin Wildlife Association (GWA) is a local southwest Montana, non-profit 501(c)(3) wildlife conservation and education organization based in Bozeman, Montana. GWA is affiliated with the Montana Wildlife Federation and the National Wildlife Federation.
2. GWA and its members advocate for sound management of all native wildlife species, so that such species can be enjoyed and experienced by the public now and by future generations. GWA is particularly concerned about bison management in the Greater Yellowstone Ecosystem (GYE), and the negative impacts of federal and state management upon the health and integrity of wild bison populations.
3. GWA believes Montana's fish, wildlife, public lands, and water are owned in common, and are to be shared by all of its citizens. GWA also believes that wildlife habitat must be conserved, protected, and restored, and that sound science should inform and guide wildlife management programs to promote an optimum sustained yield. Further, GWA believes wildlife should be managed such that they are kept genetically healthy and sustainable in the long-term, and such that the wildlife can access sufficient year-round habitat to fulfill its ecological role.
4. GWA regularly reviews and comments upon state, federal, and private actions affecting wildlife and habitat, particularly as it pertains to bison. GWA also identifies potential habitat for wild bison and other native wildlife, and develops and promotes risk management solutions for brucellosis and other concerns about having wild bison on the landscape. These solutions would allow wild bison to be managed sustainably on federal, state and private lands including lands inside and outside of YNP.
5. My professional experience is in the area of range management. I have a Bachelor of Science degree in range management from Montana State University and have been employed as a range technician on a seasonal basis by the U.S. Forest Service in Montana and by the Bureau of Land Management in Nevada. I have also been self-employed as a range ecology consultant. My primary interest in

range ecology focuses on impacts of non-native grazers such as domestic cattle and sheep, upon native vegetation, wildlife, and ecological systems in Montana and the GYE. I frequently apply my professional expertise to issues regarding bison management and their habitat requirements.

6. As president of GWA, I have been very involved in the federal and Montana state governments' management of bison in and around Yellowstone National Park (YNP). I have submitted written comments, attended numerous public meetings, requested and attended other meetings with public officials, and developed and submitted proposals to the managing agencies identifying risk management solutions and potential bison habitat outside YNP. I value wild bison as a native ungulate in Montana and particularly value the populations in the GYE as the last direct and most continuously wild descendents of the original populations that were nearly extirpated in the late 1800s.
7. I have opposed management of bison under the Interagency Bison Management Plan (IBMP) for its intensive management including capture and slaughter of bison even without testing for the disease brucellosis, and hazing bison seeking winter range and spring green-up on public and private lands surrounding YNP. I believe other options exist that would effectively protect livestock industry interests, and that it is unnecessary to capture, kill, and haze bison in the manner undertaken by the IBMP agencies including the US Forest Service and National Park Service.
8. It is important to me, and to GWA as an organization, to have healthy populations of native wildlife – including wild bison – that we can view, photograph, hunt and otherwise enjoy. It is important that they have the habitat they need, and are able to access and use it on a year-round basis, without conflicts that prevent them from doing so.
9. I, and other GWA members, desire to have wild, free-roaming bison populations outside of YNP. GWA believes in fair chase hunting and the North American model of wildlife management. Such a hunt depends upon bison having sufficient access to use year-round habitat in and outside of YNP. I do not choose to participate in Montana's bison hunt because bison are not currently allowed to access suitable habitat, and I do not believe a hunt today is truly ethical or sustainable.

10. I am concerned that the Forest Service is not providing habitat to bison, and instead allows conflicting uses to continue in their habitat, and excludes bison from what would otherwise be available habitat.
11. It is important to me and to GWA that conflicts with bison are addressed, and that the agencies evaluate and disclose the impacts to bison from management like grazing cattle on public lands and killing or hazing bison off of the National Forest under direction of the IBMP.
12. I am concerned that wild bison may not survive in the long run, and function as part of their native ecosystem as they should.
13. It is important to me to have viable populations of wild bison in southwest Montana, and I believe this would result in significant economic, social, and ecological benefits locally, regionally, state wide, nationally and internationally.
14. Based on my professional experience, observation and research, I believe bison are a keystone species that would have very positive effects on the land. Bison would provide increased diversity of plant and animal life if allowed to access habitat outside YNP year-round and fully fulfill their ecological niche. Bison shape their environment through grazing, wallowing, rubbing/horning and even in death. Bison are primarily grazers and they are very effective at digesting low quality forages such as grasses and sedges. Forbs (broad leaf plants) and shrubs not often eaten by bison, and the species that key on them, such as pronghorn (antelope), mule deer, and sage grouse, often benefit.
15. Many grassland-nesting birds benefit from the presence of bison, in particular brown-headed cowbirds, also called buffalo birds, which feed on insects moving in response to foraging bison. Bison can also damage or kill young trees along grassland edges by horning and rubbing them, thus slowing forest succession into grassland or sagebrush plant communities. Bison wallows create small bare ground depressions that trap and hold spring snow melt and rainwater providing ephemeral water sources for certain wetland plant species and habitat for amphibians such as toads. In death, bison carcasses provide an abundance of protein to a variety of scavengers. Carrion from dead bison is an important food source for grizzly and black bears, coyotes, and a variety of birds including bald eagles, ravens and black-billed magpies.
16. Due to my interest, and GWA's interest, in having viable populations of wild, free-roaming bison in Montana, I frequently visit areas in and

around YNP for the purpose of viewing bison on their native habitat. I also visit these areas to evaluate their suitability as potential bison habitat, and visit with landowners in the GYE to identify those who would like to see wild bison able to access and use their lands.

17. I have visited YNP and the GNF regularly for the past 40 years, and intend to continue to do so. I often visit the Taylor Fork and Porcupine areas of the GNF in the Upper Gallatin Canyon to view and/or hunt wildlife. I plan on hunting there again in the fall of 2010, and each subsequent year that I am able.
18. I also often visit the Horse Butte area in the spring to view bison each year and the GNF public lands surrounding Hebgen Reservoir to view and/or hunt a variety of different wildlife. When I visit these areas, I often witness bison and other wildlife disturbed by the IBMP agencies' actions such as hazing, capturing, and hauling bison to slaughter. These activities decrease my enjoyment in visiting these areas and attempting to view native wildlife on the landscape.
19. I also enjoy looking for wildlife, including bison in YNP in the Upper Gallatin watershed. I use to see and have photographed bison in the Upper Gallatin in the early 1990's.
20. I also often visit GNF and YNP public lands near Gardiner Montana in the Upper Yellowstone River watershed. I have hiked and hunted elk and mule deer throughout the stretch of GNF lands north and east of highway 89 from Gardiner to Chico Hot Springs, including the Dome Mountain Wildlife Management Area. I have viewed and photographed bison on the Eagle Creek Bench and along surrounding lands near the Yellowstone River. I also enjoy touring through YNP from Gardiner to the Lamar Valley viewing and photographing wildlife including wild bison.
21. I also enjoy visiting the Madison Valley south of Ennis Montana to view wildlife and observe the habitat and I will continue to regularly visit these areas. The USFS administers conservation easements, purchased primarily with public Land and Water Conservation Funds, for wildlife habitat and migration corridor protection in the Madison Valley on the 1,500 acre Olliffe Ranch and on 11,000 acres of the Sun Ranch. Both of these properties are critical winter ranges for Greater Yellowstone wildlife. The Nature Conservancy also administers an additional 6,800 acre conservation easement on the Sun Ranch for wildlife habitat protection. A variety of other conservation easements have been secured in this valley to preserve open space and wildlife habitat as well. However, the severe time, space and numbers

- restrictions in the current IBMP prevent native bison from accessing these critical winter ranges for Greater Yellowstone wildlife. I am interested in these areas as potential bison habitat, and visit them regularly to evaluate their condition and potential.
22. I have read and reviewed many documents related to IBMP bison management, and have reviewed the IBMP itself over the years. I am concerned about how bison are treated under the IBMP, and how the Forest Service excludes them from habitat where I could otherwise view and hunt them. I am concerned that the Forest Service continues to provide for domestic cattle grazing without considering the impacts to bison – directly from impacts associated with grazing, and impacts from allowing grazing while using that as a basis to assert heavy management and bison exclusion is necessary.
 23. Domestic cattle use of areas managed under the IBMP is justification provided by the agencies for hazing, capturing and slaughtering bison. Thus, grazing domestic cattle on the GNF and other forests in the GYE results in restricting native bison from accessing historic and otherwise suitable and capable habitat. However, bison are also severely limited in their numbers, distribution and time they can spend in Montana by the IBMP regardless of the presence or absence of cattle.
 24. Bison are only allowed access seasonally to two small areas in Montana, one north of the Park near Gardiner Montana and one west of the Park north of West Yellowstone. These small areas are referred to as “zone 2” and the IBMP specifies that no more than 100 bison can be in each one of these zones. The IBMP also suggests that bison will be hazed back in to the Park from zone 2 by April 15th on the north side and May 15th on the west side. Bison are not tolerated in zone 3.
 25. Bison are the only wildlife species in the GYE presented with this drop dead zone 3 concept, which severs off bison access to critical winter ranges used by Greater Yellowstone elk and other wildlife, including substantial acreages of GNF public lands in the Upper Madison, Gallatin and Yellowstone valleys. The USFS also administers private lands held in conservation easement for wildlife habitat and migration corridor protection on the Olliffe Ranch and Sun Ranch in the Upper Madison valley, which are currently off limits to bison.
 26. I regularly visit and use the areas in the three different IBMP management zones. In each of these zones, bison used to exist, but in Zone 2 and Zone 3 they are mostly or entirely excluded now. My

desire to view and even someday hunt free-roaming bison in these areas of historic habitat is negatively affected by the agencies' management. I often cannot even view bison undisturbed in the GNF. Portions of the bison habitat are occupied by domestic cattle, so the bison are not allowed to access it. In other areas, the Forest Service permits a large corral trap, and bison are hazed into it and many shipped to slaughter. Even in YNP, bison are captured and either held for many months or shipped to slaughter. All of these actions hurt my ability to observe and enjoy bison and other native wildlife in their native habitat, and keep bison from establishing and maintaining viable populations on the GNF and other areas.

27. I have followed livestock grazing allotment management and decisions on the GNF particularly in areas that are suitable bison habitat and could be bison habitat if not for the limitations imposed by the zoning concept included in the IBMP. I participate in agency administrative processes whenever possible regarding these decisions, and regularly suggest the GNF implement livestock grazing systems that are compatible with bison access to these important habitats. I have suggested livestock management systems that would protect the livestock industry's brucellosis-free status in Montana while providing for the needs of migrating and free-ranging Greater Yellowstone bison. For example, steers and spayed heifers can be grazed without any brucellosis restrictions being imposed by the federal Animal and Plant Health Inspection Service (APHIS). As I understand the regulations, horses and mules can also be grazed without APHIS restrictions or testing requirements.
28. I have also suggested that livestock turnout dates of July 1 or later can protect cattle from possible transmission of brucellosis from bison because the risk of transmission is nearly zero after June 15th. Interagency IBMP researchers have determined that the *Brucella abortus* bacteria associated with birthing materials does not persist in the GYE environment past June 15th because it breaks down with increasing heat and day length in the spring. It is also meticulously cleaned up by calving bison or scavengers. As well, YNP officials have determined that peak bison calving (80%) occurs from April 25 to May 26 and was done by June 5th. Furthermore, APHIS defined "low risk bison" in the original IBMP EIS in Appendix G (pages 767 & 768):

Low risk bison are those bison that do not present a significant risk of transferring brucellosis to livestock through environmental contamination – bulls, yearlings, calves, and postparturient female bison that have live calves and have totally passed all birth membranes. Low risk bison, as defined above, are not capable of contaminating the environment with birth membranes and fluids.

Thus by June 5th of each year very few if any “high risk” bison remain a threat to the livestock industry in terms of potential brucellosis transmission to susceptible cattle. While it is widely recognized and the science supports that brucellosis transmission risk from bison to cattle is extremely low after June 1 and negligible by June 15 the GNF has not significantly increased the lands available to bison where cattle do not enter the Forest until June 15th or later. This is even true on GNF lands where cattle are never grazed such as the south facing slopes along the shores of Hebgen Reservoir from Mount Hebgen west to the GNF Beaverhead-Deerlodge National Forest boundary in the Upper Madison valley (11 miles distant) and the critical 3,265 acres of winter ranges in the Cedar Creek watershed of the Upper Yellowstone valley that are specifically managed for large ungulate winter range and grizzly bear habitat, but remain off limits to bison.

29. Furthermore, livestock use of GNF public lands in the Taylor Fork drainage was identified in the final record of decision for the IBMP (page 17) as the reason bison could not cross the Sage Creek-Wapiti Creek divide. The GNF later initiated allotment planning reviews for the two remaining cattle allotments in the Taylor Fork drainage and I commented on both the Cache/Eldridge (Sept. 6, 2003) and Wapiti Creek allotments (Dec. 20, 2007 and March 5, 2008) providing suggestions for livestock management revisions that would work for both the livestock industry and free-ranging Greater Yellowstone bison. It is my understanding that both of these allotments have since been vacated by the permittees and no livestock use is planned in the Taylor Fork in the future, but these GNF public lands are still considered zone 3 or no tolerance for bison. There are thousands of acres of suitable habitat for bison in the Taylor Fork watershed and the Montana Department of Fish, Wildlife & Parks has conservatively mapped some of that habitat in references I provided to the GNF on March 5, 2008. There are no cattle in the Taylor Fork. However, the GNF has failed to recognize these lands as suitable and appropriate

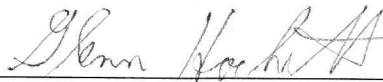
- habitat for bison within the context of the IBMP or under their Forest Plan or other documents and decisions. The agencies consistently decline to even consider such changes, and instead state that the IBMP does not allow bison to use these areas.
30. I have also more recently provided verbal comments to the GNF on the livestock use proposals that are being reviewed for the South Fork and Watkins Creek allotments that are located along the south shore of Hebgen Reservoir (Jan. 19, 2010 in a meeting with GNF Wildlife Biologist Randy Swilling). I made similar suggestions to those made for the Cache/Eldridge and Wapiti Creek allotments. These public lands are also classified as zone 3, a drop-dead zone for bison.
 31. GWA was a signatory to formal written requests that the National Park Service and other IBMP agencies prepare a supplemental environmental impact statement for the IBMP, any adaptive management amendments, and the related management decisions and actions including the Royal Teton Ranch lease and fencing, the Horse Butte capture facility permit, and other related actions.
 32. I am concerned that the Forest Service and Park Service do not know what impacts they are having on bison or other resources anymore, and that their management might be impairing the genetic diversity and integrity of the bison populations. I have reviewed studies and information indicating the genetic composition, population structure, seroprevalence, and bison movements and other factors are not as the agencies thought when they started IBMP management. Without evaluating and responding to the information to ensure the bison are protected in the long run, I am concerned the Forest Service and Park Service are allowing or causing the integrity of the bison populations to decline.
 33. I do not believe there are viable populations of bison, or appropriate composition of plants and wildlife associated with bison and their habitat, on the GNF and maybe even in YNP. It is important to me to have healthy, viable populations of native wildlife, and a complete ecosystem with appropriate diversity on my public lands.
 34. I, and other members of the Gallatin Wildlife Association, derive numerous benefits from visiting and hiking these areas, in particular viewing, photographing and hunting wildlife. I have witnessed the complete loss of bison in the Upper Gallatin and at least the temporary loss of bison on the Eagle Creek Bench near Gardiner. As well, the current IBMP places such severe restrictions on the places, time and

numbers of bison allowed in Montana the GNF is not providing habitat for viable year round populations of bison on the GNF.

35. The benefits bison bring to me, GWA, and the region in which we live, work and recreate, have been, are being, and will continue to be significantly injured by actions of USFS and NPS, in implementing IBMP management without analyzing impacts and significance of new information and changed circumstances, without determining what a viable population of bison would be on the GNF, and without ensuring through Forest Plan direction and other site-specific decisions that such population(s) would be maintained by assuring access to vital habitat, and without determining the effect on diversity that excluding native, keystone species of bison from this habitat has on other native fauna and flora. Additionally, impacts to bison may be impairing their ability to survive long-term, and agencies have not analyzed or responded to information about sub-populations, local extirpations, habitat suitability, habitat requirements, loss of genetic diversity, and isolated populations suffering population characteristic/dynamic changes due to management removals and hazing, and so forth.
36. Actions removing bison from USFS areas I visit, and by hazing and capturing them inside YNP, injure me by eliminating and excluding bison from these areas and denying this native herbivore its natural place in the ecology of the GYA, especially beyond the boundaries of YNP where bison must migrate for year-round habitat.
37. My visits to YNP and GNF are impacted by decreased bison, hazing operations annually that result in injuries to bison, disruption of other native wildlife and other resources, by use of low-flying helicopters, ATVs, horses, snowmobiles, etc. These activities and motorized equipment would not otherwise be present and used in such a manner in YNP. I have had camping trips and travel plans on the GNF disrupted by bison hazing operations. Furthermore, I view bison as a magnificent big game species and viewing and hunting opportunities have been severely degraded due to the actions of IBMP partners and the severe restrictions of the current IBMP.
38. These negative impacts to my enjoyment of these areas, and specifically in viewing bison and other native species could be remedied if the agencies evaluated and disclosed the impacts of management based on new information and circumstances, and determined what a viable population of bison would be and managed to ensure there would always be a viable population on National

Forest lands year-round, had management standards for bison and bison habitat on the GNF, and ensured that their management conserves bison and does not impair them or cause unacceptable impacts to bison and other resources inside Yellowstone National Park and on surrounding habitat.

Dated this 25 day of June, 2010.



Glenn Hockett
Volunteer President
Gallatin Wildlife Association