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Attorney for Plaintiffs Hells Canyon Preservation Council and The Wilderness Society

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

WESTERN WATERSHEDS PROJECT,)
)
 Plaintiff,)
)
 and)
)
 HELLS CANYON PRESERVATION COUNCIL)
 and THE WILDERNESS SOCIETY,)
)
 Co-Plaintiffs;)
)
 v.)
)
 UNITED STATES FOREST SERVICE,)
 BUREAU OF LAND MANAGEMENT, and)
 SECRETARY OF INTERIOR KEN SALAZAR,)
)
 Defendants.)
 _____)

Case. No. 07-151-BLW

**FIFTH DECLARATION OF
LAUREN M. RULE**

1. I am co-counsel of record for Plaintiffs in this lawsuit. I have personal knowledge of the matters set forth in this declaration.

2. Plaintiffs obtained public information and documents from the U.S. Forest Service, Bureau of Land Management, Idaho Department of Fish and Game, and the Nez Perce Tribe for the following exhibits:

- Exhibit 1: Map of Forest Service and BLM allotments along Salmon River.
- Exhibit 2: Map of Forest Service allotments on Payette National Forest.
- Exhibit 3: Maps of bighorn sheep summer and winter habitat in Salmon River canyon.
- Exhibit 4: Map of geographic population range for Salmon River bighorn population.
- Exhibit 5: Summary report and maps of bighorn sheep telemetry locations in Salmon River canyon 2007-2009.
- Exhibit 6: Declaration of outfitter Gary Lane, attached to Plaintiff's Partridge Creek petition to Secretary of Interior (See Exhibit 16).
- Exhibit 7: Observations by Idaho Department of Fish and Game of bighorn sheep in Salmon River canyon 2007-2008.
- Exhibit 8: "Strategy for Reducing Risk of Contact between Bighorn Sheep And Domestic Sheep in the Salmon River Area (Partridge Creek and Marshall Mountain Allotments) For 2009 Grazing Season" (April 2009).
- Exhibit 9: "Best Management Practices For Separation between Domestic Sheep and Bighorn Sheep for Mick Carlson/Carlson Livestock Company" (August 2009).
- Exhibit 10: Observation of bighorn sheep near Partridge Creek bridge by BLM biologist Craig Johnson.
- Exhibit 11: Forest Service Deciding Officers' Responsive Statement to Appeal of Shirts Brothers Sheep and Frank Shirts Jr. 2009 permit modifications.
- Exhibit 12: November 2003 term grazing permit for Partridge Creek allotment permitted to Carlson Livestock Company.

- Exhibit 13: February 12, 2009 annual grazing authorization for Partridge Creek allotment.
- Exhibit 14: Revised Resource Management Plan for BLM Cottonwood Field Office (June 2008) (excerpts).
- Exhibit 15: April 13, 2009 Letter from Nez Perce Tribe to BLM re: Partridge Creek allotment and Technical Review of BMP strategy.
- Exhibit 16: August 15, 2009 petition from The Wilderness Society, Hells Canyon Preservation Council, Western Watersheds Project, Idaho Wildlife Federation, Oregon Wild Sheep Foundation and Idaho Wild Sheep Foundation to Secretary of Interior to close Partridge Creek allotment.
- Exhibit 17: Draft Supplemental Environmental Impact Statement for the Southwest Idaho Ecogroup Land and Resource Management Plan (Sept. 2008) (excerpts).
- Exhibit 18: Forest Service General Technical Report RMRS-GTR-209, “A Review of Disease Related Conflicts Between Domestic Sheep and Goats and Bighorn Sheep” by Timothy J. Schommer and Melanie M. Woolever (Sept. 2008).
- Exhibit 19: BLM Instruction Memorandum 98-140, “Revised Guidelines for Management of Domestic Sheep and Goats in Native Wild Sheep Habitats” (1998).
- Exhibit 20: Wild Sheep Working Group, Western Association of Fish and Wildlife Agencies, “Recommendations for Domestic Sheep and Goat Management in Wild Sheep Habitat” (June 21, 2007).
- Exhibit 21: Payette National Forest Supervisor Appeal Decision for Shirts Brothers Sheep Appeal of 2008 permit modification.
- Exhibit 22: Notice of Intent to Prepare Environmental Impact Statement for Allison-Berg Allotment, 74 Fed. Reg. 20276 (May 1, 2009).
- Exhibit 23: November 2007 permit modification for non-use of Allison-Berg allotment on Nez Perce National Forest.
- Exhibit 24: March 13, 2009 letter from District Ranger Darcy Pederson to Mick Carlson re: permit modification for Allison-Berg allotment.
- Exhibit 25: Letter from Regional Forester, Region 4, to Forest Supervisors designating Rocky Mountain bighorn sheep as sensitive species (July 29, 2009).

- Exhibit 26: BLM Response to Protest Points for the Revised Resource Management Plan for BLM Cottonwood Field Office (August 18, 2009).
- Exhibit 27: Forest Service Deciding Officer's Denial of Stay for Shirts Brothers Sheep 2007 permit modification (excerpt).
- Exhibit 28: Forest Service Deciding Officer's Responsive Statement to Appeal of Shirts Brothers Sheep 2007 permit modification.
- Exhibit 29: Idaho Fish and Game report of bighorn ram seen near domestic sheep within Allison-Berg allotment (March 14, 2009).
- Exhibit 30: Nez Perce Tribe Domestic Sheep Field Observation Reports (April-May 2009).
- Exhibit 31: Emails and letter exchanged between William Myers, attorney for Mick Carlson and attorney for Idaho Department of Fish and Game re: BMP plan (June-August 2009).
- Exhibit 32: Draft Best Management Practices plan for Mick Carlson (July 2009).
- Exhibit 33: Report by Joann Bonn and Timothy Schommer re: Best Management Practices proposed for Allison-Berg allotment (May 2008).
- Exhibit 34: Reports of stray domestic sheep from Carlson Livestock (2005-2007).
- Exhibit 35: CE notice for installation of cattleguard, gates, and fencing on Partridge Creek bridge, found at:
<http://www.id.blm.gov/planning/neap/databases/project.php?id=1623>.
- Exhibit 36: Idaho Statesman article, "Fish and Game Agents Shoot and Kill Sick Bighorn" (June 12, 2009).
- Exhibit 37: Letter from Nez Perce National Forest to IDFG re: feasibility of Best Management Practices for Allison-Berg allotment (April 18, 2008).
- Exhibit 38: Letter from National Wildlife Federation to Idaho Department of Fish and Game Opposing Best Management Practice of killing bighorn sheep (August 31, 2009).
- Exhibit 39: Deciding Officer's Response to Appeal by Shirts Brothers Sheep and Frank Shirts Jr. of 2008 permit modifications (excerpt).

I declare under penalty of perjury pursuant to the laws of the United States that the foregoing is true and correct.

Dated this 23rd day of September, 2009 in Portland, Oregon

s/Lauren M. Rule
Lauren M. Rule