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MONTANA EIGHTEENTH JUDICIAL DISTRICT COURT, GALLATIN COUNTY

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| <p>WESTERN WATERSHEDS PROJECT, GALLATIN WILDLIFE ASSOCIATION, BUFFALO FIELD CAMPAIGN, & YELLOWSTONE BUFFALO FOUNDATION,</p> <p>Petitioners,</p> <p>v.</p> <p>STATE OF MONTANA and MONTANA DEPARTMENT OF FISH, WILDLIFE & PARKS, an agency of the State of Montana,</p> <p>Respondents</p> | <p>Cause No. DV-10-317A</p> <p>DECLARATION OF GLENN HOCKETT</p> |
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DECLARATION OF GLENN HOCKETT

1. My name is Glenn Hockett, and I reside in Gallatin County in Bozeman,
Montana.
2. I am a member, 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. GWA is affiliated with the Montana Wildlife Federation and the
National Wildlife Federation.

3. GWA represents hunters and anglers in Southwest Montana and elsewhere, and its mission is to protect habitat and conserve fish and wildlife. GWA supports sustainable management of fish and wildlife populations through fair chase public hunting and fishing opportunities that will ensure these traditions are passed on for future generations to enjoy and experience. GWA believes in and supports the fair chase hunting tradition, and the North American Model of Wildlife Conservation.
4. 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 in the past 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, with a primary interest in impacts that non-native domestic grazers have upon native wildlife, vegetation and ecological systems. I frequently apply my professional expertise to issues regarding native wildlife, including bison management and their habitat requirements.
5. GWA, and myself personally, have been concerned about and involved with bison management in the Greater Yellowstone Area (GYA) for many years. We have participated in public planning processes and engaged with federal and state agencies in their decision-making processes for decisions affecting wild bison in Montana and elsewhere. We have advocated for bison to be managed as a valued, native wildlife species in Montana. 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. Our proposed solutions would allow wild bison to be managed sustainably on federal, state and private lands including lands inside and outside of Yellowstone National Park, and in new areas of the state.
6. GWA regularly reviews and comments upon state, federal, and private actions affecting wildlife and habitat, particularly as it pertains to bison.
 7. I personally, and on behalf of GWA participated in the Montana Department of Fish, Wildlife and Parks' decision-making process for their bison Quarantine Feasibility Study project. GWA submitted comments for each phase of the project, and attended public meetings when the Department held them. I also sought out additional opportunities for public involvement, for example by requesting and attending meetings with FWP decision-makers, and by submitting an appeal to the Fish and Wildlife Commission, even though the department and Commission did not specifically provide an opportunity to appeal their decision.
 8. From the start of the process, GWA expressed concerns about the project, including that FWP was not planning ahead for where the bison would be located and how they would be managed as wildlife once they were out of the quarantine. We strongly urged FWP to find a place for the bison before even beginning the quarantine study project, because they indicated a primary purpose of the project was to obtain *brucella* free bison for restoration of public and tribal bison herds.
 9. As early as 2004, we sent a comment letter to then FWP Project Leader for the Wild Bison Quarantine Proposal, Keith Aune. We stated the following: "Perhaps our biggest heartache over this proposal is the FWP's failure to answer the simple

question, which we have asked numerous times: Where will quarantined publicly owned wild bison be released and how they will be managed once they get there? This is a fundamental flaw of this proposal and we see no need to study the feasibility of wild bison quarantine unless FWP can clearly articulate where these bison will go and how they will be managed when they get there. The answer to this question is significant. If FWP cannot or will not answer this question, I can offer no support for this proposal. Furthermore, the EA notes that this proposal may serve to limit wild bison population levels in the Greater Yellowstone Area. This gives us little confidence that this proposal is anything more than another government boondoggle, and yet another method to perpetuate the ongoing bison slaughter/eradication program on the border of Yellowstone National Park.”

10. Although FWP never committed to specific relocation sites or management plans, FWP kept telling us that they would make sure the bison were managed as wildlife and that they preferred the bison to be in Montana at the end of the quarantine. When FWP did begin to develop criteria for their requests for proposals to receive bison from the quarantine, they included a requirement that the bison never be privatized or commercialized, and they must be managed as wildlife forever.
11. When FWP changed their request for proposals criteria to allow privatization, and they were considering the Turner Enterprises, Inc. proposal that would transfer some of the public bison to the corporation, GWA and I expressed grave concerns about that to FWP.

12. In particular, I expressed GWA's concerns in an email to the FWP on December 18, 2009 about the proposal from Turner Enterprises Inc. which would result in a significant percentage of the offspring being turned into private property. I suggested an alternative to bartering away the public's wildlife must be found and I outlined two possibilities: 1) Monetary compensation for costs of about \$500,000 (\$480,000 stated) to TEI for finishing the quarantine study; 2) Utilizing a FWP Wildlife Management Area to finish the study. I noted the Robb-Ledford/Blacktail WMAs and/or the Beartooth WMA as very reasonable options for the FWP to consider in detail. Other WMAs also could be used.
13. I also attended a meeting with the FWP Director and other staff responsible for the quarantine project. At the meeting, I repeated my concerns, and offered several alternatives for FWP to consider. These again included compensating TEI with money rather than public bison, moving the bison to a Wildlife Management Area, working with federal agencies to move the bison to a federal Wildlife Refuge, or returning the bison to Yellowstone National Park if absolutely no other alternative was workable that would not give up some of the bison to a private corporation.
14. It is important to me and to GWA that wild bison remain a public wildlife species properly managed by the FWP. Bartering away a portion of the offspring and thus converting them to private property and private domestic bison managed behind a fence and administered by the Department of Livestock harms our interests in the future of wild bison conservation and management. Extirpation, loss of habitat or at least access to that habitat, privatization, domestication,

- inbreeding, introgression of cattle genes, small population sizes, hazing, capture, confinement, and slaughter all combine to pose serious threats to the future of bison as a viable, public wildlife species.
15. It is important to me and to GWA that we have viable bison populations in Montana, both naturally restored in the Greater Yellowstone Area, and in other parts of the state.
16. Our members benefit from being able to view, photograph, hunt and otherwise enjoy wildlife as a public resource, and we work to ensure we have those opportunities with wild bison in Montana. Based on my professional experience, observation and research, I believe bison are a keystone species that would have very positive and dramatic effects on the land. I also believe that having viable populations of wild bison in Montana would result in significant economic, social, and ecological benefits locally, regionally, state wide, nationally and internationally.
17. In the future, I and other members of GWA, hope to hunt wild bison in Montana. However, I choose not to participate in the current public hunt, because I do not believe the hunt as currently designed is ethical, sustainable or meets the spirit of the North American model of wildlife management. I hope to participate in a public bison hunt someday when there is sufficient habitat provided in Montana, and a large enough population to sustain a hunt.
18. I, GWA members and other members of the public were told by FWP Project Leader Keith Aune that one of the purposes of this quarantine study was to remove brucellosis from these animals so they could be reintroduced to historic

habitat on public and/or tribal landscapes and managed as public wildlife under the North American Model for Wildlife Conservation, which ultimately includes public hunting. Herd sizes would be allowed to increase ensuring the long-term viability of the population and sustainable population levels that would be enjoyed by the public and eventually conserved and managed through public hunting. However, the FWP would never commit to specific locations, despite our repeated efforts to get them to do so. FWP's failure to identify a location and plan to manage the bison as wildlife once removed from TEI property, and FWP's diminishing the herd size by giving away 75% of the offspring diminishes and/or delays the chance that the bison from the quarantine will actually be managed at sustainable enough levels for us to hunt someday.

19. I and other members of GWA gain many benefits from viewing, photographing, and otherwise enjoying wild bison on their native habitat where they are publicly accessible. When the state removes bison from the public domain, and limits opportunities for their restoration and for our viewing, photographing, and other uses, my and GWA's interests are harmed. Our interests are certainly harmed by FWP's decision to barter some of our priceless bison away to a private corporation; this is especially true because FWP did not even seriously consider any of our various proposals for keeping all the bison in the public domain where we could view and access them in the short and long term. And it is especially true because FWP did not create a plan for the rest of the bison on private property (Turner Enterprises' Green Ranch) to be relocated at the end of the study, so we do not even know if those bison will be managed as public wildlife.

20. It is a significant loss to GWA, and to me personally, to have 75% of the offspring of the quarantined bison taken away from the public. The population that survived the quarantine, was certified *brucella* free, and moved to the Green Ranch, is very small to begin with. These bison are a priceless public resource, and represent conservation and restoration opportunities that are otherwise limited by public policy and some social intolerance.
21. Due to my and GWA's strong interest in bison conservation and restoration, I regularly visit areas where bison exist, or where they potentially could in the future. For example, I have visited YNP, the Gallatin National Forest, and various FWP Wildlife Management Areas in Region 3 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 and the Gallatin WMA in the Upper Gallatin Canyon to view and/or hunt wildlife.
22. I frequently visit the Horse Butte area outside the western boundary of Yellowstone National Park, as well as private and state lands in the area. 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 WMA. 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.

23. 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.
24. I hope to be able to view and photograph bison – and eventually hunt them – in other parts of Montana as well. I, and GWA have long advocated for that possibility, and I frequently visit areas and talk with land managers and private landowners to assess the suitability of potential future habitat for bison.
25. Since the bison in the quarantine project were moved to the Green Ranch, I have attempted to view them from public locations, but was unsuccessful. Sometimes I thought I was seeing the quarantine bison, but it turned out they were Turner Enterprises' private, commercial bison herd.
26. I also have requested information multiple times from FWP about the status of the bison, which are still under FWP jurisdiction. I have just been seeking basic information about the condition of the bison, where they are located, whether they can be viewed by the public, and to find out information related to specific events such as whether a brucellosis outbreak in TEI's private herd would affect the

- public bison housed there. Until recently, there was no specific contact person, and I often waited several days or weeks to get a response.
27. I also have requested multiple times that FWP host public tours of the bison at the Green Ranch, so we can see their condition and where and how they are being managed during the remainder of the study project. FWP finally arranged for two tours, one in January 2012, and one in June, 2012. The number of participants was limited, but I or other members of GWA have been able to attend those tours. I would like to view the bison more frequently, or at least have vantage points on public property from which I could view the public bison.
28. As a professional in range management, and in my capacity as volunteer president for GWA, I have gained extensive knowledge and experience regarding wildlife conservation and management, and the public values associated with wildlife. I have spent countless hours reviewing literature about wildlife conservation, including about the public trust doctrine and the North American Model of Wildlife Conservation, which embodies the fair-chase hunting ethic. I have also been extensively involved in wildlife management decisions by federal and state government agencies.
29. Through my studies, and my experience and involvement with wildlife conservation and management, I have identified various public values and uses associated with wildlife. The uses of wildlife as a common, public resource include regulated fair chase hunting, and non-consumptive uses such as viewing and photographing. I view privatization as a serious threat to management of wildlife as a common public resource, and under the North American Model.

- Montana has a strong tradition of wildlife conservation, and of protecting wildlife as a public resource under the North American Model. It is important to me that Montana's wildlife conservation tradition be applied to bison in the state.
30. Once bison are privatized, myself, GWA members and other members of the public are no longer assured a democratically regulated opportunity to view, photograph and/or hunt them as a valued native public trust resource. I am concerned about what comes next – if FWP privatizes bison in this instance, can they privatize elk or other species held in the public trust? This slippery slope concerns me as a conservationist and a hunter.
31. My interests, and GWA's interests in restoring and conserving bison as a valued public wildlife resource are harmed by FWP's decision to convert to private property a significant portion of this limited population coming out of the quarantine project.
32. 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 FWP's current agreement with Turner Enterprises, Inc. and their decision to privatize 75% of these public bison offspring. The QFS bison are currently unavailable for general public viewing, being held behind a fence on private land or land unavailable for public access, and a significant portion of the offspring already born will be converted to private property. The final outcome for all these bison remains a question.
33. The negative impacts to my enjoyment of bison as a public wildlife species, and in viewing bison and potentially hunting them in the future could be remedied if

the FWP agreed not to privatize any of the QFS bison and immediately formulated a plan whereby FWP would ensure these bison are released on a landscape where they would be managed as a free-ranging wildlife species once their study is complete.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: _____

Signed: _____