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Attorneys for Plaintiffs

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

WOLF RECOVERY FOUNDATION, and)
WESTERN WATERSHEDS PROJECT)
)
Original Plaintiffs,)
)
and)
)
THE WILDERNESS SOCIETY, GREAT OLD)
BROADS FOR WILDERNESS, IDAHO)
CONSERVATION LEAGUE, WINTER)
WILDLANDS ALLIANCE, WILDERNESS)
WATCH, and SIERRA CLUB,)
)
Co-Plaintiffs On Third Claim For Relief)
)
v.)
)
U.S FOREST SERVICE and USDA APHIS)
WILDLIFE SERVICES,)
)
)
Defendants.)

No. 09-cv-686-BLW

**DECLARATION OF
JAMES M. PEEK**

I, James M. Peek, with full knowledge of the penalties for perjury, declare as follows:

1. I am a professional wildlife biologist with more than fifty years of experience, focused primarily on big game and large mammals. I have spent most of my career teaching and conducting research in this area, with much time spent in the field supervising various research projects and administering students.

2. I received my Bachelor of Science degree in 1958 from Montana State University with a major in Wildlife Biology, and then my Masters Degree from that same University in 1961 in Wildlife Management. I earned my Ph.D from University of Minnesota in 1971, also in Wildlife Management.

3. My work experience in wildlife management and wildlife biology extends from 1958 to the present. I first worked for Montana Department of Fish and Wildlife from 1958 to 1966, and then was a research fellow and subsequently went on the teaching faculty at the University of Minnesota teaching wildlife ecology from 1967-1973.

4. In 1973, I moved to Idaho and joined the faculty at the University of Idaho, where I remained until I retired in 1999. There, I taught wildlife management, large mammal ecology and management, and habitat ecology, among other courses. I designed and conducted numerous studies in the field all over the western United States, western Canada, and Alaska researching wildlife ecology of big game and large mammals. These studies included researching deer and elk response to fires in the Selway-Bitterroot Wilderness, studying bighorn sheep in the East Fork and Middle Fork Salmon Rivers, studying forage plant production and nutrient production in the Big Creek drainage within the Frank Church River Of No Return Wilderness, studying grizzly bears in Alberta B.C., studying wolves in the Copper River Delta of Alaska, and many other research projects on large mammals.

5. As a result of my research on large mammals, I have published over 100 scientific articles. I have also written a text on wildlife management.

6. In addition to my teaching and research, I have served on numerous committees related to wildlife management and biology. I served on a committee for the Wildlife Society that looked at wolf restoration and made recommendations when the wolf was first considered for reintroduction. I also was on a committee put together at the request of the Idaho legislature to look at wolf management in the state. I was another committee established by the Wildlife Society to review predator management practices in North America. Currently, I chair the certification review board for the Wildlife Society, where we determine whether biologists meet various qualifications to certify them as professional wildlife biologists.

7. I have conducted a lot of my research in wilderness, where there is supposed to be minimal management and we can gain information about wildlife ecology in undisturbed habitat.

8. Based on my experience conducting research and my familiarity with the issues over wolf management, I believe Idaho Department of Fish and Game's plan to capture and collar wolves in the Frank Church River Of No Return Wilderness is flawed.

9. Idaho Department of Fish and Game ("IDFG") has requested the authorization at issue in this litigation as part of their ongoing research and study of wolves in Idaho. They assert that they need this information to help understand wolf movement, distribution, behaviors, and rendezvous and denning sites within the Frank Church Wilderness. They claim the information will support wolf recovery efforts and provide a better understating of wolf behavior and predator-prey relationships to assist with wolf and wilderness management.

10. The primary flaw with IDFG's plan is that it is not a valid research project because it does not have a comprehensive study plan. Any scientific research must have a valid

study plan that sets out the objectives of the study, includes a literature review of past research that is related to the study, develops hypotheses to test, and procedures for how to test those hypotheses. The study plan should be transparent so it is obvious what they will be doing and why they are doing it. The study plan should also include other cooperators who have experience with wolf research to assist and provide input to the study. And the study plan should be reviewed by peers outside of the Department. IDFG has not set forth a study plan that clearly sets out the objectives for the research and how the information will be used, and thus IDFG is not conducting credible research.

11. The stated purposes for IDFG's proposal are not clear or do not make sense. The existing data on wolves provided a reasonable estimate of the population size and distribution for U.S. Fish and Wildlife Service to determine the wolf was recovered and delist the species from the Endangered Species Act and IDFG does not explain why it now needs this additional collar data to determine if the wolves remain recovered. IDFG also does not explain how it will use the information to assist in management of wolves in the wilderness. There is no valid study plan to explain what their management objectives are for managing wolves in wilderness and how this information will assist with meeting those management objectives.

12. Another stated goal of the project is to learn more about the natural ecosystem of the Frank Church Wilderness, including predator-prey relationships. But to understand these things, a study must look at much more than just wolf behavior, movements, and interactions with prey such as elk. It must be a long-term study that also looks at the quality of the habitat of the prey and many other factors to assess the underlying vulnerability of the prey and the true impacts of the predators on the prey. Simply collaring wolves and tracking them for a few years will not provide sufficient data to understand the predator-prey relationships of wolves. With

this kind of study, it is more important to understand why the prey populations are fluctuating rather than simply documenting what is happening.

13. A further problem with this project is the failure to explain how IDFG will ensure the security of the data so others outside of the agency do not obtain it. It is not hard for outfitters or other members of the public to get the signal information from radio collars and therefore the locations of the wolves. This information would make it much easier to locate wolves and kill them either legally during the hunting season, or illegally, as has occurred in the past. Using the radio collars to locate den sites also makes these sites vulnerable to hunting outfitters and others.

14. In sum, the key problem with IDFG's study is that it does not clearly and transparently set forth why they agency needs to collar wolves in the Frank Church Wilderness. It does not have a study plan that explains the objectives of the research and how they will use the information. Without such a comprehensive and transparent study plan, IDFG is not doing credible research.

Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated this 22nd day of January, 2010

s/James Peek
James Peek