

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA

COTTONWOOD ENVIRONMENTAL)
LAW CENTER, ET AL.,)

Plaintiffs,)

vs.)

U.S. SHEEP EXPERIMENT STATION,)
ET AL.,)

Defendants.)

Case No. 9:14-cv-192-DLC

DECLARATION OF
ANDREW C. HAMMOND

DECLARATION OF ANDREW C. HAMMOND

I, Andrew C. Hammond, pursuant to 28 U.S.C. § 1746, testify as follows:

1. My name is Andrew C. Hammond. I am an employee of the United States Department of Agriculture. I currently serve as the Director of the Pacific West Area of the Agricultural Research Service.

2. The Agricultural Research Service (“ARS”) is the principal in-house research agency of the United States Department of Agriculture (“USDA”), a cabinet-level department of the executive branch of the government of the United States.

3. The United States Sheep Experiment Station (“Sheep Station”) is an ARS research facility under the management of the ARS Pacific West Area. The Sheep Station is located in the upper Snake River plain at the foothills of the Centennial Mountains. Personnel at the Sheep Station work on issues including: (1) infectious diseases in wildlife and domestic animals, (2) state of the art genomics research providing markers for improved food/fiber production and resistance to disease, and (3) rangeland use and sustainability.

4. The Sheep Station maintains rangelands for its research activities in both Idaho and Montana consisting of:

- 27,930 acres of ARS land at the Sheep Station Headquarters, approximately 6 miles from Dubois, Idaho.
- 1,200 acres of ARS land at the Henninger Ranch near Kilgore, Idaho.
- 2,600 acres of ARS land at the Humphrey Ranch in Idaho, which is near Monida, Montana.
- Approximately 16,600 acres of ARS lands in the Centennial Mountains of Montana, which are divided into the Summer East and Summer West ranges.

The Headquarters acreage and Centennial Mountains acreage were withdrawn from the public domain for sheep genetics and rangeland grazing research purposes pursuant to executive orders during the Wilson and Harding administrations. The Humphrey and Henninger Ranch properties were purchased from the private sector in the 1940s.

5. In addition to ARS owned lands, the Sheep Station uses four allotments in the nearby Caribou-Targhee National Forest and a feedlot facility at the Department of Energy's Mud Lake facility. The four Forest Service allotments are Meyers Creek, East Beaver Creek, Snakey Canyon, and Kelly Canyon.

6. Pursuant to a March 31, 2010 Decision Notice, the Sheep Station ceased grazing on the Meyers Creek allotment and the Summer East Range to allow for environmental impact consideration and Endangered Species Act consultation related to the relisting of the Greater Yellowstone Area grizzly bear population. Grazing of the Summer West Range continued pursuant to this Decision Notice.

7. The animals in the sheep herd at the Sheep Station are owned by ARS' research partner, the University of Idaho. All shepherders working at the Sheep Station are also affiliated with the University of Idaho.

8. On March 20, 2015, ARS received an e-mail from the University of Idaho stating:

The University of Idaho has determined not to send its herd of sheep and employee shepherders into the USSES [Sheep Station] managed allotments (Meyers Creek allotment, and the east and west Centennial Mountain allotments [the summer east and west range]) during the 2015 summer grazing season, pending resolution of legal issues and completion of any necessary environmental reviews. These allotments are currently the subject of litigation in the US District Court in Montana challenging the basis for use of the allotments. The University will await further guidance through the outcome of the litigation and from the federal agencies with authority over use of the allotments in its decision on future grazing.

While the University sees value in potential research that can be conducted in partnership with the US Sheep Experiment Station to assist the sheep and cattle industry in the Intermountain West, as well as research on rangeland ecosystems and wildlife populations (and their interactions with domestic animals), this research must be conducted in a manner consistent with applicable law.

9. The University of Idaho's decision precludes the Sheep Station from conducting any high elevation grazing research operations until after the completion of ongoing environmental analysis under the National Environmental Policy Act ("NEPA").

10. Accordingly, the Sheep Station will not graze the Summer West range until completion of the pending NEPA analysis.

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

Executed on March 14, 2016, in Albany, CA.



Andrew C. Hammond, Ph.D.
Director, Pacific West Area
Agricultural Research Service
United States Department of Agriculture

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

COTTONWOOD ENVIRONMENTAL
LAW CENTER; WESTERN
WATERSHEDS PROJECT;
WILDEARTH GUARDIANS; and
GALLATIN WILDLIFE
ASSOCIATION,

Plaintiffs,

vs.

U.S. SHEEP EXPERIMENT STATION;
AGRICULTURAL RESEARCH
SERVICE; U.S. FISH AND WILDLIFE
SERVICE; and S.M.R. JEWELL, in her
official capacity as Secretary of the U.S.
Department of the Interior,

Defendants.

CV 14-192-M-DLC

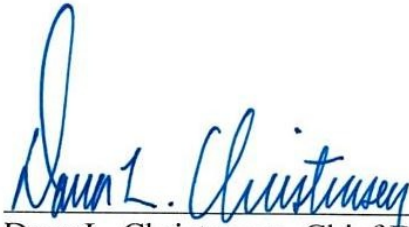
ORDER

Plaintiffs filed an unopposed motion to voluntarily dismiss this action under Federal Rule of Civil Procedure 41(a)(2) on March 16, 2016. Considering the record in this case and the declaration accompanying the motion,

IT IS ORDERED that the motion (Doc. 55) is GRANTED and this action is DISMISSED. All deadlines are VACATED and any pending motions are

DENIED as moot.

Dated this 16th day of March, 2016.



Dana L. Christensen, Chief District Judge
United States District Court