

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

HELENA HUNTERS AND  
ANGLERS ASSOCIATION, a non-  
profit organization *et al.*,

Plaintiffs,

vs.

LEANNE MARTEN, in her capacity  
as Regional Forester for Region One,  
*et al.*,

Federal-Defendants.

9:19-cv-00047-DLC

EXHIBIT 1  
(DECLARATION OF  
GAYLE L. JOSLIN  
REGARDING NEW ROAD  
CONSTRUCTION FOR  
TENMIILE PROJECT)

I, Gayle L. Joslin, declare as follows:

1. I reside in Helena, Montana. I am over 18 years of age and competent to testify. I have personal knowledge of each of the facts set forth below.

2. I have lived within one-half mile of the Lazyman Inventoried Roadless Area (IRA) for 50 years.

3. My family and I have spent countless days within the Lazyman IRA where we have hunted, hiked, camped, and found solitude for five decades.

4. On February 21, 2020, I, along with fellow Helena Hunters and Anglers member Doug Powell, walked from the edge of the Travis Creek County Road up a newly dug in road, through unit 101 – a regeneration unit –

heading west-northwest up the slope of the mountain that locals call Shannon mountain. On February 22, 2020, we returned to take more photos, two of which occur in this declaration. On both days, we took photos, documenting the extent and nature of the new road, as well as switchback curves, slash piles, and green tree cutting being done by a feller-buncher.

5. The newly constructed road was being used by mechanized logging equipment – specifically a D6R XL Cat bulldozer and Tigercat X830D feller-buncher - to log what appear to be Improvement Harvest units 101 and 100b as part of the Tenmile South-Helena project.

6. After taking photos, and on our way down the hill to the car, we were stopped by the operator of the feller-buncher and told to stay 500 feet from his machine while he was working. We noted that we remained on the Chessman Ditch, above him and his machine at all times. The feller-buncher was operating away and opposite from us by what appeared to be 500 feet. We were then approached by two Forest Service employees who were heading up the hill and into the logging units (presumably to document their location vis-à-vis the IRA boundary).

7. Pasted below is a true and accurate photo of the newly constructed road that was taken on February 21, 2020:



8. Pasted below is a true and accurate photo of the newly constructed road (along with the bulldozer) that was taken on February 21, 2020. This photo is looking southeast to the county road, towards Elkhorn Peak on the horizon, in the Elkhorn Mountains.



9. Pasted below is a true and accurate photo of the newly constructed road looking south into Travis Creek. This photo was taken on February 22, 2020.



10. Pasted below is a true and correct copy of the newly constructed road looking east (towards Skihi Peak). This photo as taken on February 22, 2020.



11. On February 27, 2020, a member of Helena Hunters (Paul Ferry) went back to the area and noticed that the newly constructed road had been graded.

12. Pasted below is a true and correct copy of the newly graded road as of February 27, 2020.



13. Pasted below is a true and accurate photo of the newly constructed and now graded road looking east with the Skihi Ridge in the background. This photo was taken on February 27, 2020.



14. Pasted below is a true and correct copy of the newly graded road as of February 27, 2020



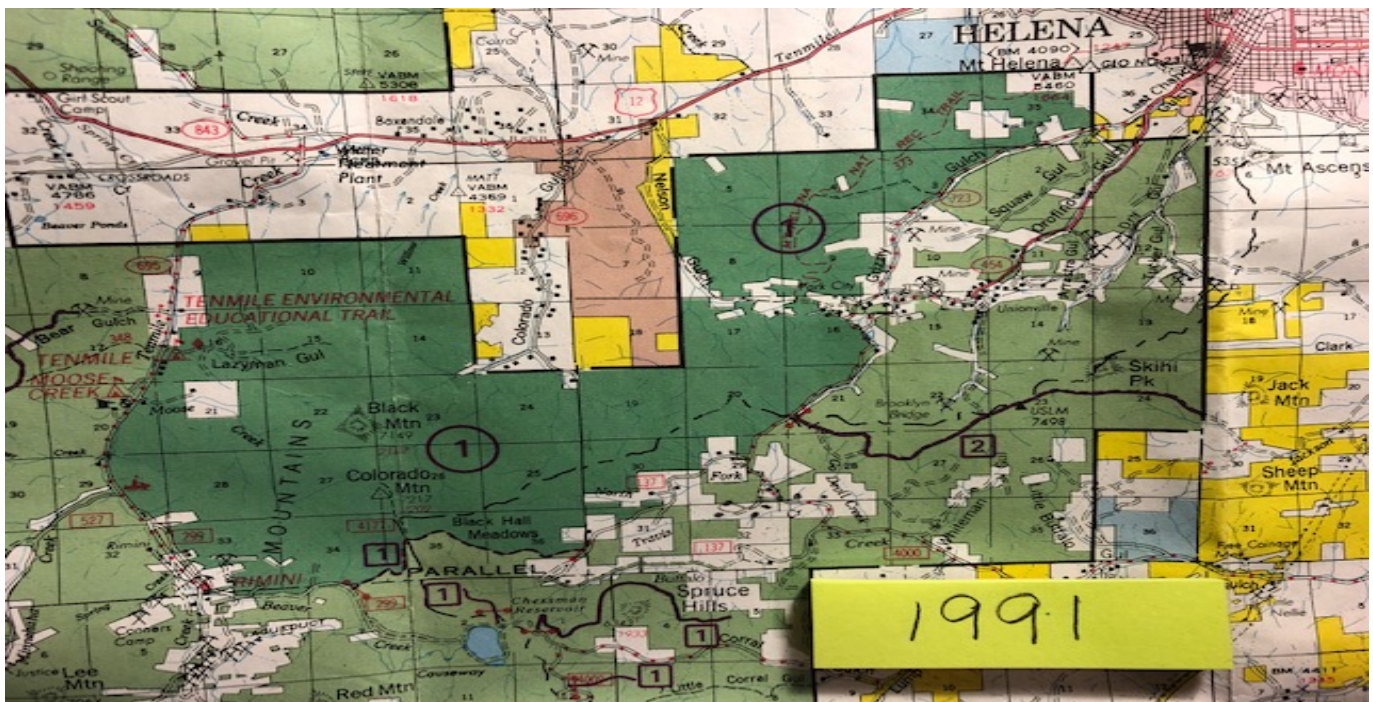
15. On our February 21, 2020 visit to the area, Doug Powell and I also hiked into regeneration unit 100c, and to the far edge shaded fuel break unit 100b, that left very little shade or hiding cover. Pasted below is a true and accurate photo of unit 100b that was taken on February 21, 2020, looking northwest into the Lazyman IRA.

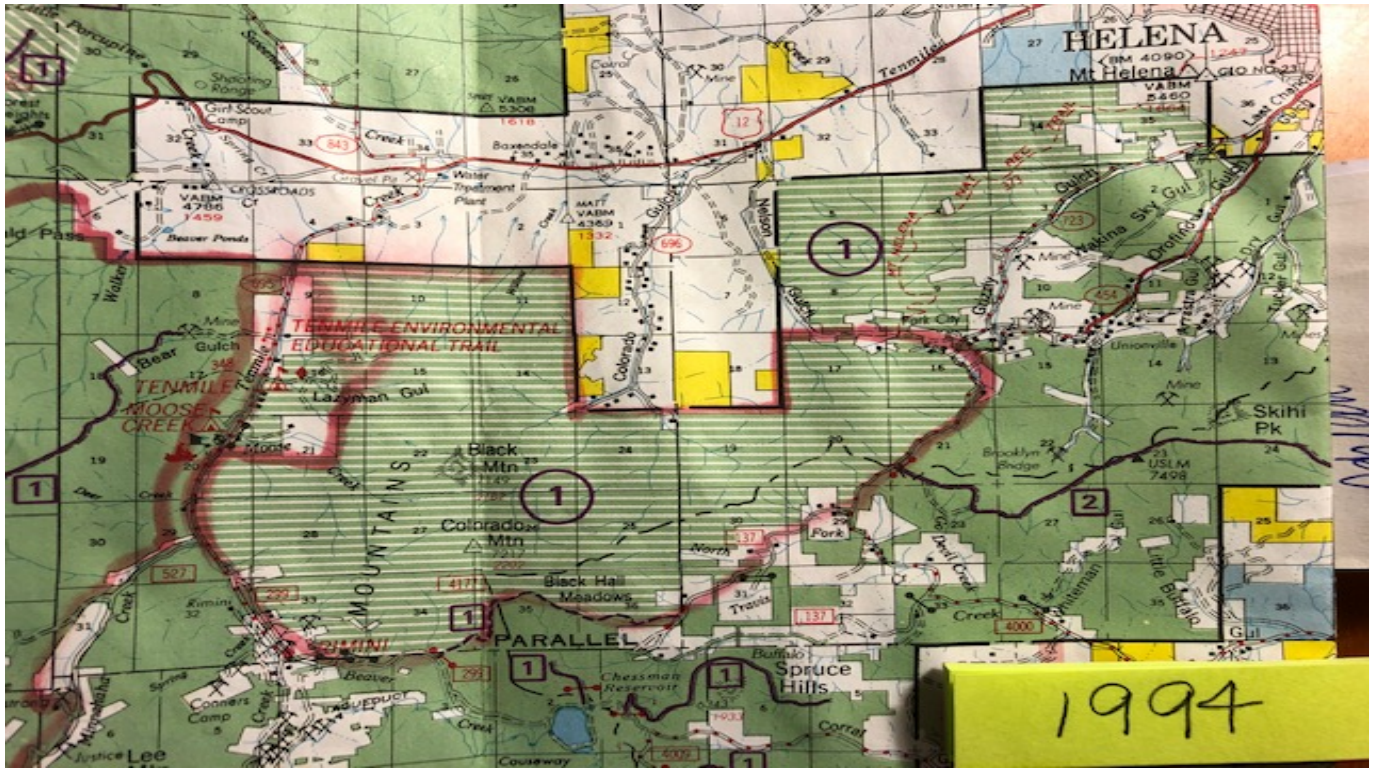




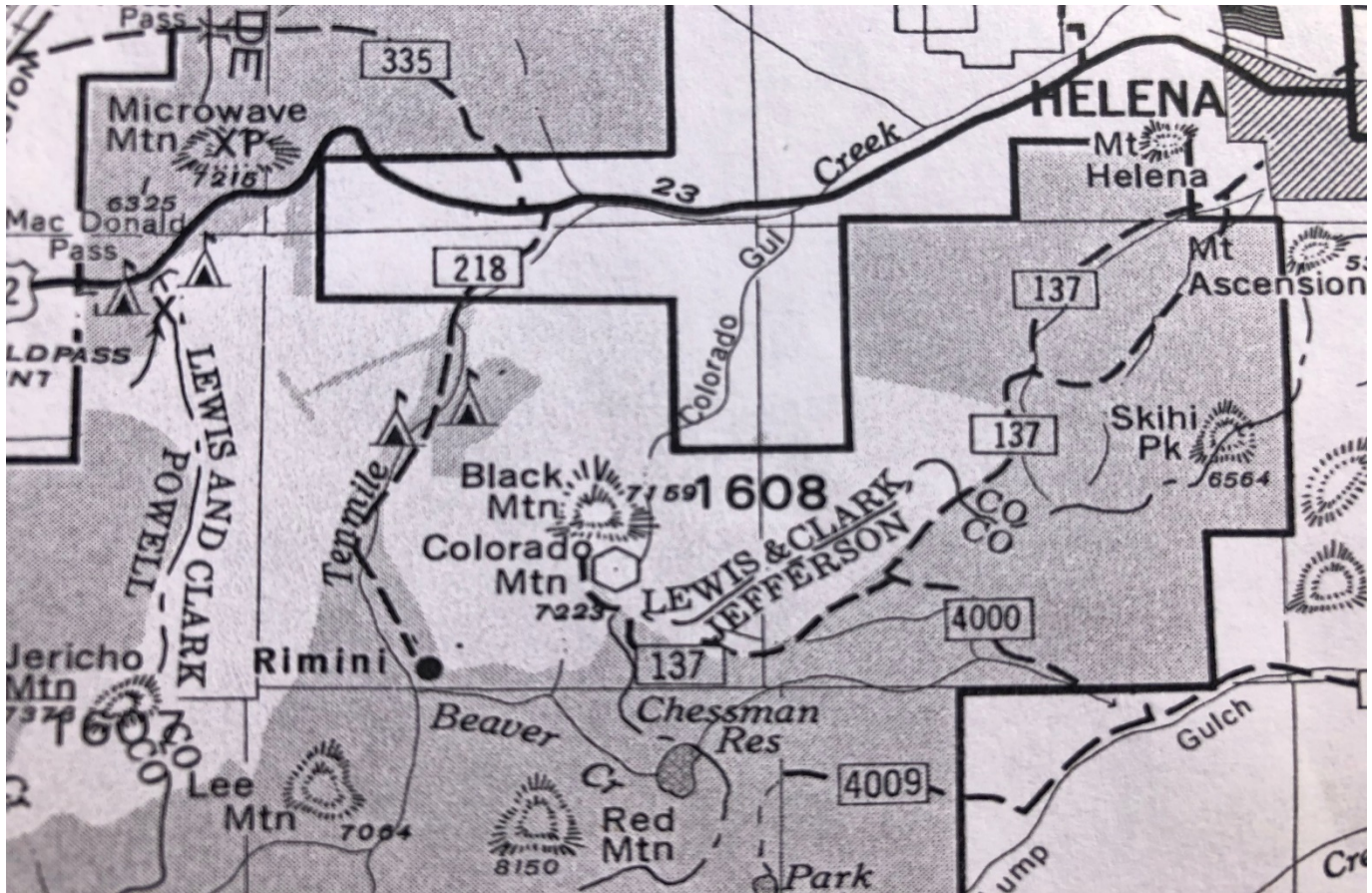
18. After documenting the newly constructed road and logging occurring, I immediately contacted Matthew Bishop, our attorney in this case, because I believed that the logging activities and new road work were occurring very close to (if not inside) the Lazyman IRA in violation of our agreement with the Forest Service to not conduct any on-the-ground activity inside the IRAs until May 1, 2020.

19. I have lived in the area for over 50 years and had always considered the southeastern boundary of the Lazyman IRA to be the Grizzly Gulch-Travis Creek county road. The Helena National Forest travel plan maps from 1977, 1991, 1994, and 2002 all show the non-motorized area going down to the road (and the 2006 map shows no off-road travel on both sides of the road). True and correct copies of some of these maps are pasted below:





20. The Grizzly Gulch-Travis Creek county road was also the boundary in the Forest Service's 1983 Roadless Area Re-Evaluation map, a true and correct copy of which is pasted below.



21. After Mr. Bishop – our attorney – took a closer look at the maps I provided and the maps included in the record, including the decision map for the Tenmile-South Helena project, he contacted attorneys for the Forest Service about the IRA boundary. It soon became clear that there are some disagreements and disputes about the precise boundary of the Lazyman IRA. At some point the boundary was adjusted but it is unclear to me and others how the agency determined and drew the boundary as depicted in the decision

maps (if the agency did not use the road or even the Chessman Ditch that runs along the southeastern edge of what the Forest Service is calling the IRA boundary).

22. On February 25, 2020, our attorney forwarded the Forest Service's response to our inquiries into the Lazyman IRA boundary and our concerns about new road construction, a true and correct copy of which is pasted below.

**From:** Matthew Bishop <[bishop@westernlaw.org](mailto:bishop@westernlaw.org)>  
**Sent:** Monday, February 24, 2020 4:46 PM  
**To:** Carpenter, Hayley (ENRD) <[HCarpenter@ENRD.USDOJ.GOV](mailto:HCarpenter@ENRD.USDOJ.GOV)>; Norman, Erika (ENRD) <[ENorman@ENRD.USDOJ.GOV](mailto:ENorman@ENRD.USDOJ.GOV)>  
**Cc:** 'Kelly Nokes' <[nokes@westernlaw.org](mailto:nokes@westernlaw.org)>; [bishop@westernlaw.org](mailto:bishop@westernlaw.org)  
**Subject:** RE: Tenmile South Helena -- logging in/near IRA?

Hayley and Erika – I've had the opportunity to speak with my clients. I also drove up to the area over the weekend to inspect the work for myself. There appears to be a lot of confusion re: the boundary of the Lazyman IRA, due mainly to the discrepancy between the public maps of the HNF (most people consult and use these maps which show the boundary going to the road) and the ROD maps for the Tenmile project (which show the boundary away from the road). Do you know how the USFS drew the IRA boundary for the project if they did not use the road? Did they use the ditch?

Also, the newly constructed road appears either in or very close to the IRA boundary (and appears to link up to 4000-NS01 which is in the IRA). We cannot find this new road, however, in any of the decision documents. Are we missing something here? Which road is this?

Finally, I spoke to my clients about the interference allegation, which I take very seriously. They adamantly dispute the claim. They took a few photos of the feller-buncher operating (they remained north of the ditch, uphill from the operations, and inside the IRA) and apparently the operator saw them as they were leaving, followed them off the hill on foot, and made contact when they were at least a quarter of a mile from his machine and on their way down the mountain to their vehicle. It was at this point that David Nunn and Cathy Bushnell from the USFS came up the hill while they were discussing the operation with the operator. Matt

Matthew Bishop  
Western Environmental Law Center  
103 Reeder's Alley  
Helena, Montana 59601  
406-324-8011  
[bishop@westernlaw.org](mailto:bishop@westernlaw.org)  
[www.westernlaw.org](http://www.westernlaw.org)

**From:** Norman, Erika (ENRD) <ENorman@ENRD.USDOJ.GOV>  
**Sent:** Tuesday, February 25, 2020 1:56 PM  
**To:** bishop@westernlaw.org; Carpenter, Hayley (ENRD) <HCarpenter@ENRD.USDOJ.GOV>  
**Cc:** 'Kelly Nokes' <nokes@westernlaw.org>  
**Subject:** RE: Tenmile South Helena – logging in/near IRA?

Hi Matt,

I have an answer on your first group of questions regarding the IRA boundaries so thought I would send that along while I await the other information.

The USFS uses inventoried roadless GIS data provided at the Washington Office level which is based on the 2001 Roadless Rule map. All national forests use this same data set. The GIS data is available on the USDA Forest Service Roadless Conservation website at <https://www.fs.usda.gov/detail/roadless/2001roadlessrule/maps/?cid=stelprdb5400183>. I also wanted to clarify, because your question implies that the IRA boundaries may have changed or were delineated specifically for this project, that the roadless boundaries that are identified in the 2000 Montana roadless map contained on the FS Roadless website establishes the boundaries of all IRAs and has not changed since 2001.

Erika

**Erika Norman**  
Trial Attorney, Natural Resources  
Section Environment & Natural  
Resources Division United States  
Department of Justice  
[erika.norman@usdoj.gov](mailto:erika.norman@usdoj.gov)  
Dir: 202-305-0475 | Fax: : 202- 514-8865

**Mail:**  
4 Constitution Square  
150 M Street, N.E., Suite 2.900  
Washington, DC 20002

---

**From:** [Carpenter, Hayley \(ENRD\)](#)  
**To:** [bishop@westernlaw.org](mailto:bishop@westernlaw.org); "Kelly Nokes"  
**Cc:** [Norman, Erika \(ENRD\)](#)  
**Subject:** RE: Tenmile South Helena -- logging in/near IRA?

---

**Date:** Tuesday, February 25, 2020 1:48:31 PM

Hi Matt,

As to your second group of questions, this feature is not a road, and it is not located in either of the IRAs. Thus, this feature is outside the scope of your clients' claims, which are limited to the roadless areas.

Thanks,  
Hayley

---

23. As a former Montana Fish, Wildlife and Parks agency biologist for 32 years and National Wildlife Society Certified Wildlife Biologist in good standing, I have never before seen such a manipulation of words to deceive the public, as is stated by the Forest Service that this “feature is not a road.”

24. On March 1, 2020 – and after seeing the Forest Service’s position that this is “not a road” – I returned to measure the length and width of the newly constructed road. The road is approximately 2,562 feet long at this time, and averages 22.3 feet wide, excluding the switchback landings that range up to 72.5 feet wide, with the curves extending up to 162 feet in length (more than 50 yards). The Forest Service dug out the new route, removed all debris, rocks, and trees, and then graded the route for mechanized logging equipment. So how this can be anything other than a “road” is unknown to me.

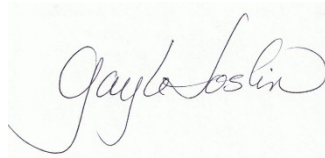
25. The Forest Service’s own regulations and EIS for the Tenmile South Helena project define a “road” as a motor vehicle route over 50 inches wide, unless identified and managed as a trail. This newly constructed route, averaging approximately 267 inches wide, is more five times the width of 50 inches for its entire length. This new road certainly not a “trail” and is more than a “Feature.”

26. This newly constructed road, and the logging occurring in units 100b and 100c which (based on public maps) goes into the Lazyman IRA has significantly harmed and continues to significantly harm my personal and

Helena Hunters and Anglers' Association's interest in protecting and preserving the Lazyman IRA. This is true even if the work is occurring immediately adjacent to the IRA. Elk move across the County Road immediately where they are currently logging and have built the road, between the Skihi Peak area and the Lazyman IRA, the Forest Service has ignored this vital information. The Lazyman IRA is becoming ever more critical habitat for all manner of wildlife, and now it has become diminished for both wildlife and people.

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

Executed this 2nd day of March, 2020.

A handwritten signature in cursive script, reading "Gayle Joslin", is centered on the page. The signature is written in black ink on a light-colored background.

Gayle Joslin