

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

FLATHEAD-LOLO-BITTERROOT)	
CITIZEN TASK FORCE and)	
WILDEARTH GUARDIANS,)	Civil Action No.
)	CV-23-101-M-DWM
Plaintiffs,)	
)	
-vs-)	
)	
STATE OF MONTANA, LESLEY)	
ROBINSON, and GREG GIANFORTE)	
)	
Defendants.)	

Taken at 1015 Mount Avenue
Missoula, Montana
Monday, February 26, 2024 - 9:01 A.M.

VIDEOTAPED DEPOSITION
OF
JAMES JONKEL

Reported by Terra Rohlfs, RPR, Jeffries Court Reporting, Inc., 1015 Mount Avenue, Suite B, Missoula, Montana 59801, (406)721-1143, Freelance Court Reporter and Notary Public for the State of Montana, residing in Hamilton, Montana, jrcrcourt@montana.com

Page 2

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21 appearing on behalf of the Defendants.
22
23 Also appearing: Mike Bader, Lizzy Pennock, and
24 Irelyn White (videographer).
25

Page 3

1 INDEX
2
3 WITNESS: PAGE:
4 JAMES JONKEL
5 Examination by Mr. Bechtold 6
6
7 Stipulations 4
8
9 Certificate of Witness 37
10 Certificate of Court Reporter 38
11 Read and Sign Letter 39
12 Release Letter 40
13
14
15
16
17
18
19
20
21
22
23
24
25

Page 4

1 STIPULATIONS
2
3 It was stipulated by and between counsel for
4 the respective parties that the deposition be taken
5 by Terra Rohlf, RPR, Freelance Court Reporter and
6 Notary Public for the State of Montana, residing in
7 Hamilton, Montana.
8
9 It was further stipulated and agreed by and
10 between counsel for the respective parties that the
11 deposition be taken in accordance with the Federal
12 Rules of Civil Procedure.
13
14 It was further stipulated and agreed by and
15 between counsel for the respective parties that all
16 objections except as to form would be reserved
17 until time of trial, and that said objections would
18 have the same force and effect as if interposed at
19 the time of taking the deposition.
20
21 It was further stipulated and agreed by and
22 between counsel for the respective parties and the
23 witness that the reading and signing of the
24 deposition would be expressly reserved.
25

Page 5

1 MONDAY, FEBRUARY 26, 2024
2 VIDEOGRAPHER WHITE: Is this an
3 audiovisual deposition taken in accordance with the
4 Federal Rules of Civil Procedure. The recording
5 equipment is being operated by Irelyn White, whose
6 principal place of business is Jeffries Court
7 Reporting, Inc., located at 1015 Mount Avenue,
8 Missoula, Montana.
9 Today is February 26th, 2024. The time
10 is 9:01 a.m. Mountain Time. The deposition is
11 being taken at 1015 Mount Avenue. The caption of
12 this case is Flathead-Lolo-Bitterroot Task Force,
13 et al., versus the State of Montana, et al., in the
14 United States District Court for the District of
15 Montana, Cause Number CV-23-101-M-DWM.
16 Please note that microphones may pick up
17 whispering and private conversations. Please mute
18 your phones at this time.
19 Will counsel and everyone else present
20 please introduce themselves, starting with the
21 noticing attorney.
22 MR. BECHTOLD: My name is Tim Bechtold,
23 plaintiff's attorney.
24 MR. BADER: Mike Bader, I'm an
25 independent consultant.

Page 6

1 MS. PENNOCK: Lizzy Pennock,
 2 representative of WildEarth Guardians.
 3 MS. BELL: Christina Bell, paralegal for
 4 Fish, Wildlife & Parks.
 5 MR. SCOLAVINO: Alex Scolavino, attorney
 6 for defendants.
 7 MS. CLERGET: Sarah Clerget, attorney for
 8 defendants.
 9 THE WITNESS: And James Jonkel with
 10 Region 2 FWP bear management.
 11 VIDEOGRAPHER WHITE: The name of the
 12 witness today is James Jonkel. The oath will now
 13 be administered by the notary.
 14 COURT REPORTER: Okay. I'll have you
 15 raise your right hand, please.
 16 Thereupon,
 17 JAMES JONKEL,
 18 a witness of lawful age, having been first duly
 19 sworn to tell the truth, the whole truth and
 20 nothing but the truth, testified upon his oath as
 21 follows:
 22 EXAMINATION
 23 BY MR. BECHTOLD:
 24 **Q. Mr. Jonkel, my name is Tim Bechtold, and**
 25 **I represent the WildEarth Guardians and the Task**

Page 7

1 **Force in this lawsuit. I'm going to be asking you**
 2 **some questions today. Just a couple background**
 3 **things.**
 4 **First, have you ever been deposed before?**
 5 A. No, this is the first time.
 6 **Q. Okay. Are you taking any medications**
 7 **that will affect your ability to answer today?**
 8 A. No, nope, I don't think so, no --
 9 **Q. Are you --**
 10 A. Just high blood pressure stuff.
 11 **Q. So are you experiencing any health**
 12 **effects that would affect your ability to answer**
 13 **questions today?**
 14 A. No.
 15 **Q. So since you've never been deposed**
 16 **before, I'd just go over a couple things about how**
 17 **it works. The first is, all your answers need to**
 18 **be audible, so instead of shaking your head or**
 19 **nodding your head or saying uh-huh or huh-uh, it's**
 20 **actually important that you say yes or no and make**
 21 **audible answers. The second thing is, this isn't a**
 22 **memory test, so if you need to look at a document**
 23 **or something to answer a question, just say so and**
 24 **you'll be able to look at that document. And it's**
 25 **not an endurance test, so if you need to take a**

Page 8

1 **break for any reason, just say so. And can we**
 2 **agree that if you don't understand a question,**
 3 **you'll ask me to rephrase or clarify it?**
 4 A. Yes.
 5 **Q. And can we agree that if you answer a**
 6 **question, it's indicative that you understood the**
 7 **question and answered it truthfully?**
 8 A. Yes.
 9 **Q. And to the best of your ability?**
 10 A. (Witness nods head.)
 11 **Q. Okay. So Mr. Jonkel, what did you do to**
 12 **prepare for this deposition today?**
 13 A. Let's see, I read through all the court
 14 documents, took me awhile, I didn't read them
 15 thoroughly, but I did my best.
 16 **Q. Okay. So what is your full name?**
 17 A. James Jason Jonkel.
 18 **Q. Have you ever gone by any other names?**
 19 A. Jamie, Jason Jonkel, Jim, JJ.
 20 **Q. Many things?**
 21 A. Yeah.
 22 **Q. Okay. And where do you currently live?**
 23 A. I live here in Missoula.
 24 **Q. Okay. And where did you grow up?**
 25 A. I grew up here in Missoula, spent some

Page 9

1 time in Canada when I was younger.
 2 **Q. Okay. And where'd you go to high school?**
 3 A. Hellgate.
 4 **Q. College?**
 5 A. U of M.
 6 **Q. Okay. And so did you have any other**
 7 **postsecondary education besides University of**
 8 **Montana?**
 9 A. No, and just a BS and a minor in
 10 journalism.
 11 **Q. Okay. And your BS is in what?**
 12 A. Bachelor of science, wildlife biology.
 13 **Q. So what specialized training in wildlife**
 14 **biology do you have?**
 15 A. Let's see, mostly predator related, bear
 16 emphasis, but the cats and Canidaeas, but mostly
 17 what --
 18 COURT REPORTER: I'm sorry, what?
 19 THE WITNESS: Oh, so wolves, I've worked
 20 with wolves --
 21 COURT REPORTER: What was the word you
 22 used?
 23 THE WITNESS: Canideas.
 24 COURT REPORTER: Thank you.
 25 **Q. (BY MR. BECHTOLD) So we're going to go**

Page 10

1 **through your work history, which is easier for you,**
 2 **from beginning to end or end to beginning?**
 3 A. Oh, my entire work history?
 4 **Q. Yeah, well, postsecondary education, so**
 5 **after you had your wildlife biology degree.**
 6 A. So I worked in Maine -- well, prior to
 7 that I worked for the Board of Grizzly Project with
 8 my father.
 9 **Q. Okay.**
 10 A. Then I worked in Maine on a black bear
 11 study. Then I got on with the Interagency Grizzly
 12 Study down in Yellowstone Park. Took a little
 13 foray and worked up in British Columbia for awhile
 14 doing some ranch work. Then came back to the
 15 Interagency Grizzly Bear Study for a good stint.
 16 Then I went to Kodiak Island and worked on a film
 17 in Alaska there, Kodiak, Alaska, for a field
 18 season.
 19 **Q. And what year was that, approximately?**
 20 A. So that was probably about '91.
 21 **Q. Okay.**
 22 A. '90 or '91. And then I came back and I
 23 worked for the Hornocker Wildlife Research
 24 Institute for about five years, and during that
 25 time went down to New Mexico to work on black bears

Page 11

1 and traveled to the far east to work on tigers and
 2 leopards and brown bears. And then I worked in
 3 Glacier National Park on the wolf-lion-ungulate
 4 study. And then took a little brief thing where I
 5 did some more film work freelance. And then I got
 6 on with Montana Fish, Wildlife & Parks and I've
 7 been with Montana Fish, Wildlife & Parks ever
 8 since.
 9 **Q. And what year did you start with Fish,**
 10 **Wildlife & Parks?**
 11 A. '96, winter of '96.
 12 **Q. Okay. And what are your responsibilities**
 13 **with Montana Fish, Wildlife & Parks?**
 14 A. Let's see, I'm part of a team, we call
 15 ourselves the bear management team, but we also
 16 work with lion issues and other wildlife issues,
 17 but mostly our emphasis is on black bears and
 18 grizzly bear management.
 19 **Q. And how many people are in this team?**
 20 A. Let's see, myself, Eli Hampson, Bruce
 21 Montgomery and then Brad Balis.
 22 **Q. And this team, is it responsible for the**
 23 **entire state of Montana?**
 24 A. No, just Region 2.
 25 **Q. So you are the Region 2 bear management**

Page 12

1 **team?**
 2 A. Correct.
 3 **Q. Okay. And are you the head of this team?**
 4 A. I've been the -- there the longest, and I
 5 guess I am, but we work as a team, I don't pull the
 6 boss thing.
 7 **Q. And what are your job responsibilities as**
 8 **a bear management team?**
 9 A. So we field lots and lots of phone calls
 10 about bear and lion issues, management issues,
 11 informational calls. Do a lot of I&E where I work
 12 with the public. We do a lot of research efforts,
 13 we assist the Northern Continental Divide Ecosystem
 14 study team with research efforts, for example, I
 15 field a lot of bear reports. And then management,
 16 both lion, black bear and grizzly. Most of those
 17 just involve phone calls, then a portion of those
 18 involve site visits, and then a smaller portion of
 19 that involves hands-on management of black bears
 20 and grizzlies and lions.
 21 **Q. So when you say I&E, what does that mean?**
 22 A. Information and education.
 23 **Q. Okay. And so when you do actual**
 24 **management, what does that consist of?**
 25 A. Oh, like with bears, actual management is

Page 13

1 a site visit to determine, you know, what's going
 2 on, if it's a garbage issue, if it's a bird feeder
 3 issue, if it's a livestock issue. We work quite
 4 closely with Wildlife Services in any kind of
 5 livestock situations. Most of the time it can be
 6 resolved with removing the attractant that's
 7 causing the conflict.
 8 And then it's a good chance to start
 9 working with the homeowner or the rancher or
 10 whoever to help educate them along, help them
 11 understand bear behavior, that kind of thing.
 12 In certain instances, though, we do trap
 13 for the bears, sometimes we have to relocate those
 14 bears, sometimes we have to euthanize those bears,
 15 but most of the time it's just, you know,
 16 management, working, educating, trying to resolve
 17 the attractant situation that's bringing in the
 18 bears, for both black and grizzly; same for lion.
 19 **Q. It's true, isn't it, that some bears in**
 20 **the Northern Continental Divide Ecosystem are not**
 21 **in their dens at the end of December; isn't that**
 22 **true?**
 23 A. I have seen bear activity through
 24 December, you know, but gradually through the month
 25 of December more and more of them do enter the den.

Page 14

1 **Q. Do you have personal knowledge of grizzly**
 2 **bears staying out of their dens all winter?**
 3 A. You know, I've seen bears personally
 4 midwinter. I've certainly seen bears through the
 5 month of December and through the month of January.
 6 The bears that I've seen in January and February,
 7 though, are -- have been rare, but I have seen
 8 bears out. And then I've seen tracks of bears out,
 9 I've received reports of bears out. But, you know,
 10 usually in January, it's pretty quiet and February
 11 it's pretty quiet with just individuals once in
 12 awhile.

13 **Q. Okay. Where did you see these**
 14 **individuals?**
 15 A. Oh boy, so when I was working down in
 16 Yellowstone Park I did all the carcass surveys for
 17 the National Park Service in the winter months,
 18 starting February -- yeah, sometimes late February,
 19 usually early March, and so that's when I saw a lot
 20 of that activity. Usually my field seasons,
 21 though, ended in mid November, so I didn't see much
 22 going on after November down in Yellowstone.
 23 In Glacier, working on the
 24 wolf-lion-ungulate study, I was out ground
 25 tracking, spent a lot of time out in the park

Page 15

1 during the winter months. And December, we would
 2 regularly, you know, see grizzly bear activity
 3 until -- you know, until the snow is accumulated.
 4 Usually it would dry up then about that -- toward
 5 mid December. Then on several occasions we did see
 6 bears in the winter in one specific part of the
 7 park, and I did write an article on some of those
 8 experiences. And then it would usually be fairly
 9 quiet January, February. And then in March we'd
 10 see a few big males start to come out, and then,
 11 you know, through the remaining month a few more, a
 12 few more.

13 **Q. Has the timing of denning changed over**
 14 **the last 20 years in Region 2?**
 15 A. You know, I personally have just noticed
 16 a few changes, but not much. It seems like -- most
 17 of my life it seems like we have -- most of the
 18 bear activity quiets down by mid December. And
 19 then March is the month that I always sort of start
 20 to see them pop out of the den. I think in some of
 21 the scientific literature, you know, they're seeing
 22 slight changes, but I do not know about -- or I
 23 only know what I've read.

24 **Q. Okay. So you don't have any personal**
 25 **knowledge in Region 2 of bears emerging from their**

Page 16

1 **dens in January; correct?**
 2 A. Not January, no; February.
 3 **Q. You have personal knowledge of bears**
 4 **coming out of their dens in February?**
 5 A. For example, last year we had just two
 6 incidents of two different bears that were out in
 7 February, I don't know how long they stayed out,
 8 but I did get a few reports. Usually it's very
 9 quiet through January and February. It's in March
 10 is when we start to see bear reports coming in.

11 **Q. Okay. In the Grizzly Bear Activity**
 12 **Report for the week of December 18th through 24th**
 13 **of 2023, it includes the following Region 2**
 14 **biologist notes, and I quote, Most of the black**
 15 **bears and grizzlies will be denned up by Christmas,**
 16 **but to play it safe, it would be best to keep the**
 17 **season closed until the end of December.**
 18 **Is that something you wrote?**
 19 A. Yes, that was a recommendation I made
 20 this year in one of our reports.

21 **Q. Why would you have kept the season closed**
 22 **until the end of December?**
 23 A. You know, usually we see bear activity,
 24 black and grizzly, until just right before
 25 Christmas, then after Christmas it sort of quiets

Page 17

1 down. So January 1st is a number I pulled out
 2 because it's a nice beginning of a new month, but
 3 usually it's just before Christmas when I get my
 4 last report.

5 **Q. So how many grizzly bears are in your**
 6 **region?**
 7 A. Really it's impossible to say, but, you
 8 know, in the Northern Continental Divide Ecosystem
 9 they estimate that it's right around a thousand.
 10 And from personal experience, in the Blackfoot
 11 Drainage, I often tell locals or at talks that
 12 there's 60-plus individuals, give or take the
 13 occasional bear that comes in from elsewhere, but I
 14 think we have a population of 60 to 70 individuals
 15 that are living on the south end of the Northern
 16 Continental Divide Ecosystem in Region 2.

17 **Q. How many have radio collars?**
 18 A. You know, through our research efforts we
 19 try to keep two females collared on the south end
 20 as part of the NCDE study. Once in awhile they'll
 21 have us collar a research male. Then our
 22 management bears we usually put a collar on.
 23 Our management -- we do -- we're fairly
 24 progressive and we have a good working relationship
 25 with the communities up there, so in the last two

Page 18

1 years we have not had many manageable bears
 2 collared. But elsewhere in the ecosystem there are
 3 areas where there are considerably more.
 4 **Q. Could you explain what you mean when you**
 5 **say management bear?**
 6 A. A management bear is a bear that gets
 7 into someone's garage, let's say, or breaks into a
 8 barn, it's its first offense, we'll put a collar on
 9 it, relocate it and monitor it.
 10 **Q. So is it fair to say that it's a bear**
 11 **that needs management?**
 12 A. Yes, yes. But we do have what's called
 13 preemptive captures as well. If we have a bear
 14 that has been hanging consistent -- consistently
 15 around an urban setting or a rural setting that
 16 we're fearful will get into trouble, we'll
 17 sometimes capture them and put a collar on them to
 18 monitor them, maybe relocate them a short distance,
 19 just to make sure that they don't get into trouble.
 20 **Q. So it sounds like you have 65 bears, give**
 21 **or take 10 or so, in Region 2?**
 22 A. That's not based on science, just --
 23 that's just my own opinion from the reports that I
 24 get and that I track.
 25 **Q. So how do you know if bears are in or out**

Page 19

1 **of their dens in your region?**
 2 A. In the Blackfoot Drainage we have a very
 3 good relationship with the locals, the local
 4 communities, the local ranchers, and I've got a lot
 5 of trust with those communities. So I know a
 6 majority of the folks that are spending time out in
 7 the woods, and when I run into them or visit with
 8 them on the phone, I relay them information and
 9 they do likewise. So I have a very good reporting
 10 relationship, as do my other folks that I work
 11 with, and so we get a lot of good reports from the
 12 local community.
 13 **Q. And that's how you keep track of all the**
 14 **bears?**
 15 A. Yes.
 16 **Q. Okay. So you're familiar with what the**
 17 **U.S. Fish and Wildlife Service recovery area for**
 18 **grizzly bears is; correct?**
 19 A. Yes.
 20 **Q. And you're also familiar with what the**
 21 **"occupied" area is as defined by Fish, Wildlife &**
 22 **Parks; correct?**
 23 A. Yes.
 24 **Q. What's the difference between the two?**
 25 A. So the "occupied" area is where bears are

Page 20

1 starting to show up outside of the old recovery
 2 area, so it's where we have, you know, resident
 3 bears that are living, thriving, females producing
 4 young.
 5 **Q. And you're familiar, too, with the "may**
 6 **be present" area defined by Fish and Wildlife**
 7 **Service; correct?**
 8 A. Yes.
 9 **Q. And what's the difference between the**
 10 **"occupied" area and the "may be present" area?**
 11 A. Yeah, so you're getting into the sciency
 12 stuff, so Cecily Costello will be better at that.
 13 So it's based on the reports that I receive and
 14 other managers receive on outlier grizzly bear
 15 observations. And they've kind of put all that
 16 into a model where they're able to predict that --
 17 predict on that where bears "may be present" map.
 18 **Q. Okay. Is it -- so you've seen bears in**
 19 **the Ninemile, for example; correct?**
 20 A. Yes.
 21 **Q. And you've seen them there for several**
 22 **years in a row?**
 23 A. Yes.
 24 **Q. And how about the Garnets?**
 25 A. The Garnet Range, yes.

Page 21

1 **Q. And how about the Sapphires?**
 2 A. You know, the Sapphires have just a few
 3 individuals that have started to show up.
 4 **Q. Okay. And how long have they been there?**
 5 A. So last year we caught a young adult male
 6 that has been spending time down there. The year
 7 before that we caught a sibling pair that had come
 8 down into that area, we relocated them and then
 9 they moved back north to the Rocky Mountain Front
 10 and denned. One of those bears did come back and
 11 spend a short time in the Sapphires.
 12 And in years past I was able to verify
 13 one grizzly that we attempted to capture -- this
 14 was many, many years ago -- and we lost track of
 15 him, but then I've had reports that I've been able
 16 to verify from the public and other agencies. But
 17 not very many bears; a few.
 18 **Q. Is there a bear denning in the Sapphires**
 19 **now?**
 20 A. There is one bear denning in the Sapphire
 21 Range right now.
 22 **Q. How about the John Long Mountains?**
 23 A. Excuse me?
 24 **Q. How about the John Long Mountains?**
 25 A. Oh, the John Long Mountains, yes, that's

Page 22

1 just sort of east of the Sapphire Range, and --
 2 yes, the John Long Range is on the east side of
 3 Rock Creek, so both sides of Rock Creek we're
 4 seeing occasional grizzlies. And we did have a
 5 male collared in there for awhile, as well, and he
 6 denned in the Flint Range.
 7 **Q. So there's bears in the Flint, as well?**
 8 A. He at least denned there, yeah, and I've
 9 had other reports down there.
 10 **Q. How about the Pintlers?**
 11 A. The Pintlers, you know, we've had nothing
 12 that we can verify other than on the Big Hole side.
 13 **Q. Okay. So the west Big Hole area there**
 14 **are bears?**
 15 A. We have verified bear activity down
 16 there, not a lot of bears, but bears, a few bears.
 17 **Q. And is that in your region as well?**
 18 A. No, that's outside of my region.
 19 **Q. So was there activity in all these areas**
 20 **in 2023, except the Pintlers?**
 21 A. 2023? Yes, yes, a few individuals.
 22 **Q. Is it more likely than not that there's**
 23 **additional bears in these areas that haven't been**
 24 **verified?**
 25 A. You know, that's tough. I get -- I've

Page 23

1 got a really good reporting system where people
 2 usually let me know. The other agencies usually
 3 let me know, and then I try to determine if it's
 4 verified or unverified. And anything I get, then I
 5 pass on to the U.S. Fish and Wildlife Service, and
 6 then they are the ones that sort of pool all the
 7 reports, and then that's -- those are the reports
 8 that they use, then, for "occupied" and "may be
 9 present" maps.
 10 **Q. Okay. So how do you verify report of a**
 11 **grizzly bear?**
 12 A. So if it's something my crew sees or
 13 something that an agency biologist sees, a game
 14 warden sees, be it a track, be it a sighting, DNA
 15 from hair samples, photographs and photographs of
 16 tracks that we can actually do a site visit on and
 17 verify.
 18 So, for example, if I got a report of
 19 someone that just swore up and down and said they
 20 saw a grizzly and that they spent their entire life
 21 in Alaska, unless they have a photograph, I can't
 22 verify that, I would call that an unverified. But
 23 if it's an individual that says, hey, here's the
 24 track, and then I look at the site and I go to the
 25 spot and I can see the same tree or whatever, you

Page 24

1 know, I can verify that.
 2 There are individuals that I really
 3 trust, like there are certain ranchers that I work
 4 with that see more grizzlies on a daily basis than
 5 I see in a month, and so I'm very trusting of those
 6 types of observations. And same with some
 7 outfitters, as well. So it's a fairly strict
 8 process of verifying a grizzly.
 9 **Q. So did you verify the presence of a**
 10 **family group of grizzlies in the Seeley area on**
 11 **December 31st of 2023?**
 12 A. In Seeley? Yeah, yeah, many females in
 13 the Seeley Lake area, yeah.
 14 **Q. Okay. Have you had any personal**
 15 **experience with grizzly bears being caught in traps**
 16 **by recreational trappers?**
 17 A. I've only been involved with two. The
 18 first one was a traumatic that was located by a
 19 rancher in Kleinschmidt Flat in 2013, I think. He
 20 found it, the cows were around it. So he left it
 21 on his tractor and then I met him there and we
 22 looked at the site where it was found, it had been
 23 there awhile, but it was a trap with claws and toe
 24 digits in it; it had been there for awhile.
 25 I thought it might be Wildlife Services

Page 25

1 related, so there was a Wildlife Services trapper
 2 named Jim Stevens who I consulted, and he said it
 3 was definitely not his trap. There was, you know,
 4 some bobcat -- he thought perhaps it was a bobcat
 5 trap or a beaver trap or a coyote trap, it was, at
 6 that time, not wolf trapping, I don't believe.
 7 **Q. And you said it had been there awhile?**
 8 A. Yeah, you know, enough to get baked in
 9 the sun, the cows had been disturbing it, so I'm
 10 betting that it was a -- this is just me guessing,
 11 but that it was a bear that had had a trap on his
 12 foot from the fall before, perhaps that spring
 13 during beaver trapping, and at some point in the
 14 summer it tried to -- it crossed Kleinschmidt Flat
 15 and this is assuming, you know, but it dropped the
 16 trap out in a remote spot in the middle of
 17 Kleinschmidt Flat, so it carried it on its foot for
 18 awhile.
 19 COURT REPORTER: What is the word you're
 20 saying? Clench something?
 21 THE WITNESS: Kleinschmidt Flat. It's a
 22 colloquial family, old-time family up there.
 23 COURT REPORTER: Thank you.
 24 MR. BECHTOLD: K-l-e-i-n-s-c-h-m-i-d-t.
 25 COURT REPORTER: Thank you.

Page 26

1 **Q. (BY MR. BECHTOLD) And then the other**
 2 **occasion?**
 3 A. Then the other occasion was
 4 September 1st, 2021, I received the call and then
 5 Ezra Schwalm, the game warden from Lincoln, had
 6 also received the call. I did not go to that
 7 incident, but Eli Hampson, who I worked with, and
 8 Tyler Parks, who is the wolf manager for FWP
 9 responded, and when they got there, Ezra Schwalm
 10 and Wildlife Services John Mitkey were also there.
 11 And it was a yearling grizzly that had
 12 been captured in a -- we think a trap set for
 13 coyotes. It was just sort of in a little kind of
 14 cubby set near an old cabin, and a fellow shooting
 15 his rifle had discovered it. And it wasn't a legal
 16 trap, if I remember correctly, we assume maybe
 17 someone trapping coyotes. They were able to drug
 18 that bear and I think they slapped an ear tag in
 19 it. The female was not there. It was one trap for
 20 sure, there was some thought that perhaps there was
 21 another trap, but it was never verified. But we
 22 definitely had that one little grizzly in what we
 23 thought was a coyote trap, it had been baited with
 24 two dead foxes. They drugged it with Telazol and
 25 then just backed off real fast, after putting the

Page 27

1 ear tag, and it was a light dose and the bear moved
 2 on.
 3 **Q. And how long had the bear been in the**
 4 **trap?**
 5 A. Let's see, so the fellow that reported it
 6 after the -- that reporting, they were there within
 7 five hours but -- so I don't know. I don't know.
 8 I would guess 24 hours or so. It wasn't a really
 9 torn-up area, by any means, from the description of
 10 the photographs at the site.
 11 **Q. And was that reported by the trapper?**
 12 A. That was not reported by the trapper, it
 13 was reported by a fellow who was sighting his
 14 rifle, to Ezra Schwalm, the game warden.
 15 **Q. So those are both instances of which**
 16 **you're aware?**
 17 A. Yes, those are the only two I'm aware of
 18 in Region 2.
 19 **Q. Okay. Are you aware of any outside of**
 20 **your region?**
 21 A. You know, we every year visit -- we get
 22 trained in March at a grizzly bear drugging and
 23 handling clinic, and a lot of times they download
 24 and talk about other incidents that have occurred,
 25 but I'm not aware of anything that's not been

Page 28

1 mentioned in all of the literature.
 2 **Q. And the literature you're talking about,**
 3 **the filings of this lawsuit?**
 4 A. Correct, the stuff that I've reviewed.
 5 **Q. Okay. So does Fish, Wildlife & Parks do**
 6 **an assessment for grizzly bears?**
 7 A. Yes, for the last three years we've been
 8 doing these -- Assessments for the floating season,
 9 you mean?
 10 **Q. Well, you tell me, what is the assessment**
 11 **for?**
 12 A. So starting three years ago we started
 13 doing communication on grizzly bear activity
 14 through the month of December, and it was a weekly
 15 report that we started doing on grizzly activity
 16 that we were seeing in Region 2 and elsewhere.
 17 **Q. So how do you know if bears are -- I**
 18 **assume it's to determine if bears are in their dens**
 19 **or not?**
 20 A. Yes, or if there's just any activity out
 21 in the field.
 22 **Q. Oh, if they're out and about?**
 23 A. Yeah.
 24 **Q. So how do you keep track of them all?**
 25 A. So like I said, I get a lot of reports

Page 29

1 from the public. I communicate a lot with the
 2 local ranchers. You know, so on a weekly basis I'm
 3 visiting with ranchers, snowmobilers, lion hunters,
 4 trappers, and just the public in general. So we've
 5 got a pretty good reporting system. Then we've got
 6 a pretty good reporting system on our Missoula
 7 bears website so, you know, folks are pretty good
 8 at letting me know; as well as black bear activity.
 9 **Q. Okay. So for this floating start date**
 10 **for the trapping season, like, obviously you have**
 11 **to know if bears are in or out of their dens;**
 12 **correct?**
 13 A. Correct.
 14 **Q. So to do that you -- what methods do you**
 15 **use besides what those -- are there any other**
 16 **methods, rather, than the ones you've already**
 17 **stated?**
 18 A. You know, so Cecily Costello is
 19 monitoring all the collared bears.
 20 **Q. Okay. But that's not something you would**
 21 **do in Region 2?**
 22 A. That's not something I do, but quite
 23 often I'm curious, so I will call them and be like,
 24 hey, is a bear still out?
 25 **Q. So if the State were to allow trapping in**

Page 30

1 **certain areas of your -- or certain regions, unless**
 2 **grizzly bears are out of their dens, how would you**
 3 **know if bears are out of their dens?**
 4 MS. CLERGET: Objection, vague for where
 5 are you talking about in the state? In his region
 6 or elsewhere?
 7 **Q. (BY MR. BECHTOLD) Any area.**
 8 A. Say that one more time.
 9 **Q. So if the State, for example, were to set**
 10 **a parameter and say, all right, you can trap as**
 11 **long and grizzly bears aren't out of their dens,**
 12 **right; you understand that part? So for example,**
 13 **for the month of December the State says, you can**
 14 **trap as long as grizzly bears are in their dens;**
 15 **correct?**
 16 A. So you can trap in the month of December
 17 unless there's a lot of grizzly bear activity. And
 18 then with the floating season, they -- we let them
 19 know if there's bear activity.
 20 **Q. Okay.**
 21 A. And so this year -- last couple years
 22 we've been pretty good at, like, delaying the
 23 season opening in the areas where we have the
 24 floating season. You know, I feel comfortable
 25 we're aware of the amount of grizzly bear activity

Page 31

1 that's occurring. And then when it does get quiet,
 2 you know, usually just before Christmas it gets
 3 pretty quiet and that's, you know, when I let my
 4 superiors know that we haven't seen any grizzly
 5 bear activity. So it's not necessarily the
 6 denning, it's the activity of grizzly bears.
 7 **Q. Okay. So similarly, if there's no**
 8 **grizzly bear activity in the month of March, for**
 9 **example, you could tell your superiors, there's no**
 10 **activity, so trapping can go on?**
 11 A. Yes, if we do not have any activity the
 12 first week of March, but if I started seeing
 13 grizzly bear activity the second week of March, I
 14 would certainly let my superiors know. And we also
 15 post all that on Missoulabears.org, too, and then,
 16 you know, they let Helena know.
 17 **Q. Right. So similar -- same thing for**
 18 **February?**
 19 A. Yeah, in February, you know, like I said,
 20 it's extremely rare, but if we do get a report of a
 21 bear out and about, we do let people know, you bet;
 22 my superiors know.
 23 **Q. So do you rely exclusively on reports or**
 24 **do you have any proactive way of determining if**
 25 **bears are out?**

Page 32

1 A. So, you know, I get out as much as I can.
 2 And then our one fellow, Eli Hampson is a
 3 houndsman, so he's out quite a bit. And I
 4 occasionally will go out and drive roads and look
 5 for tracks, myself, just on my weekend, you know,
 6 days off.
 7 I've got a lot of folks that I work with
 8 that spend a lot of time out in the woods. I
 9 communicate a lot with trappers and with houndsmen,
 10 so there's that. But I do not specifically,
 11 myself, do a winter survey, but when possible I get
 12 out and we'll drive the roads looking for tracks.
 13 **Q. Do you know where the bears are denned in**
 14 **Region 2?**
 15 A. No, that'd be like -- no, I don't know
 16 where all the bears den.
 17 **Q. How many dens are you aware of where you**
 18 **know the location of a bear denning?**
 19 A. You know, from some of the collared data,
 20 we'll figure out where bears den. I will get calls
 21 from the public where people found dens, where
 22 people have spotted a bear digging a den. Once in
 23 awhile I might stumble onto a den site and those
 24 are tracked over time. And then there's lots of
 25 good literature out on where bears den.

Page 33

1 **Q. Okay. So of the 65 or so bears in**
 2 **Region 2, how many dens -- how many do you know**
 3 **where they are denning?**
 4 A. So right now?
 5 **Q. Right now.**
 6 A. So the only way we really know is from
 7 the collar data, so we've got, oh, several bears
 8 collared. And then some of the adjacent regions
 9 have bears collared near Region 2, so we know where
 10 those bears are collared. Then I've gotten reports
 11 from the public who've watched bears digging their
 12 den, so I know of two in the Upper Clearwater that,
 13 you know, we actually took pictures of the bears
 14 from a distance, digging a den, so I know where
 15 those are.
 16 **Q. So four?**
 17 A. Four.
 18 **Q. So could you -- do you think you could**
 19 **locate or specify by, say for example, county or**
 20 **hunting district or some other way of, like, how**
 21 **many bears are denning in each geographic section**
 22 **like that?**
 23 A. So in the actual "occupied" grizzly bear
 24 area, I'm sure Cecily could, by jamming all the
 25 numbers and through a model, come up with a pretty

Page 34

1 good prediction of what habitats grizzlies might
 2 den in. I don't know if that answers the question.
 3 **Q. So for example, you don't know how many**
 4 **bears are denning in Missoula County?**
 5 MS. CLERGET: Objection, misstates prior
 6 testimony.
 7 A. No.
 8 **Q. (BY MR. BECHTOLD) And do you know how**
 9 **many bears are denning in Granite County?**
 10 A. No.
 11 **Q. And how many bears are denning in Mineral**
 12 **County?**
 13 MS. CLERGET: Objection, same objection.
 14 I'll just standing objection on this line.
 15 A. Yeah, it's kind of like you know, I
 16 don't -- people don't even how many homeless folks
 17 there are, really, you know. So that kind of
 18 information is almost -- yeah, it'd be tough to
 19 figure that out. Like I said, we don't even know
 20 how many homeless people there are, really, in
 21 Montana right now.
 22 **Q. (BY MR. BECHTOLD) And so to figure out**
 23 **when they emerge from their dens, you just rely on**
 24 **reports from your reliable sources?**
 25 MS. CLERGET: Objection, misstates prior

Page 35

1 testimony.
 2 A. Yes, and the -- and the denning
 3 information.
 4 **Q. (BY MR. BECHTOLD) Okay. And by denning**
 5 **information, what do you mean?**
 6 A. The collar data from -- that Cecily
 7 monitors.
 8 MR. BECHTOLD: Okay. Mr. Jonkel, let's
 9 take about a two- or three-minute break, I'm just
 10 going to consult my notes for a little bit and I
 11 need to read a -- I need to read a little study and
 12 then I'll come back and probably finish in probably
 13 another minute and then we'll be through. So let's
 14 go off the record.
 15 VIDEOGRAPHER WHITE: Okay, we're going
 16 off the record at 9:42 a.m.
 17 (Whereupon, the proceedings were in
 18 recess at 9:42 a.m. and subsequently reconvened at
 19 9:46 a.m., and the following proceedings were
 20 entered of record:)
 21 VIDEOGRAPHER WHITE: We are back on the
 22 record at 9:46.
 23 MR. BECHTOLD: Mr. Jonkel, I have no
 24 further questions for you. Thank you for your
 25 time.

Page 36

1 THE WITNESS: Yes, you're welcome.
 2 MS. CLERGET: We have no further
 3 questions.
 4 VIDEOGRAPHER WHITE: Okay. This
 5 concludes the audiovisual deposition of James
 6 Jonkel. The original media of this deposition will
 7 remain in the custody of Jeffries Court Reporting,
 8 Inc., located in Missoula, Montana.
 9 We are going off the record at 9:46.
 10 (Deposition concluded at 9:46 a.m.
 11 Witness excused, signature reserved.)
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Page 37

1 CERTIFICATE OF WITNESS
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 3 PAGE LINE
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 9
 10 I hereby certify that this is a true and
 11 correct copy of my testimony, together with any
 12 changes I have made on this and any subsequent
 13 pages attached hereto.
 14
 15 Dated on this the _____ day of _____, 2024.
 16
 17 _____
 18 JAMES JONKEL, Deponent.
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C E R T I F I C A T E

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STATE OF MONTANA)
: ss.
County of Missoula)

I, Terra Rohlfs, RPR, Freelance Court Reporter and Notary Public for the State of Montana, residing in Hamilton, Montana, do hereby certify:

That I was duly authorized to swear in the witness and did report the deposition of JAMES JONKEL in this cause;

That the reading and signing of the deposition by the witness have been expressly reserved;

That the foregoing pages of this deposition constitute a true and accurate transcription of my stenotype notes of the testimony of said witness.

I further certify that I am not an attorney nor counsel of any of the parties; nor a relative or employee of any attorney or counsel connected with the action, nor financially interested in the action.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this the 11th day of March, 2024.

Terra Rohlfs

Terra Rohlfs, RPR,
Freelance Court Reporter
Notary Public, State of Montana
Residing in Hamilton, Montana
My Commission expires: 11/4/27