¢	ase 3:10-cv-00417-LRH-VPC Document 16-2 Filed 07/16/10 Page 1 of 8				
1	GORDON M. COWAN, Esq. SBN# 1781				
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5	Attorney for Plaintiff LAURA LEIGH				
6	IN THE UNITED STATES DISTRICT COURT				
7	DISTRICT OF NEVADA				
8	LAURA LEIGH,				
9	Plaintiff,				
10	Case No. 3:10-cv-00417-LRH-VPC				
11	KEN SALAZAR, in his official capacity as				
12 Secretary of the U.S. DEPARTMENT OF THE INTERIOR, BOB ABBEY, in his official					
13					
14					
15	al.,				
16	Defendants.				
17	DECLARATION OF LAURA LEIGH				
18	I LAURA LEIGH declare under penalty of perjury under the laws of the State of				
19	Nevada and of the United States, that the following is true except for those matters				
20 21	stated on information and belief and as to those matters I believe them to be true:				
21	1. I incorporate what has been said in my prior Declarations.				
22	2. After having reviewed the BLM's Interim report of July 15, 2010, and				
23 24	having personally heard the testimony of Mr. Alan Shepard in court yesterday, I make				
24 25	these observations, below.				
25 26	3. I recall my attorney Gordon Cowan asking Mr. Shepard, paraphrased but				
20	close (without benefit of transcript), the following questions to which Mr. Shepard				
27	provided the following answers:				
	Exhibit F				
ce Dr 1					

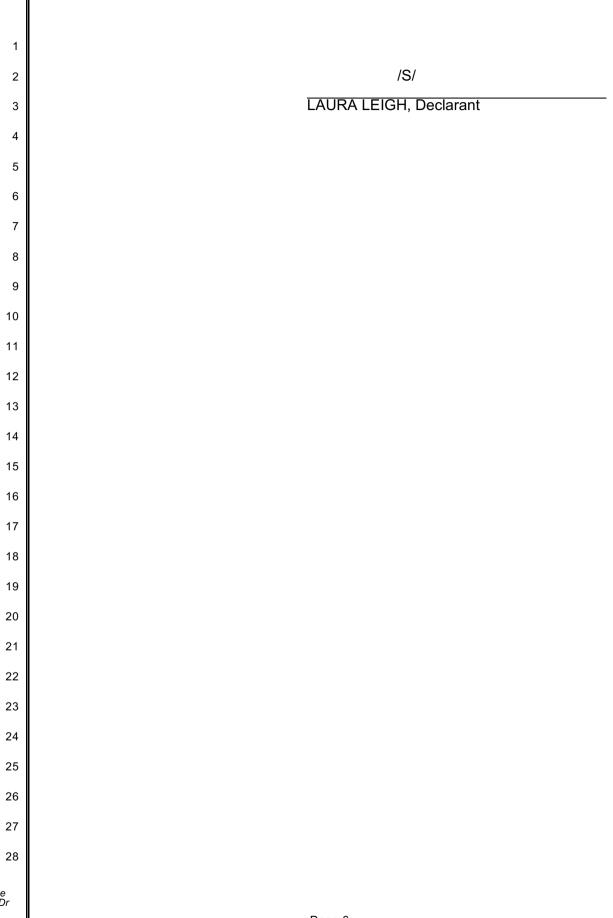
Cowan Law Offic	
1495 Ridgeview Reno, NV 89519 Ph 775 786 6111	

1	Q. "Are there cows out there?" A. "No."
2	Q. "Are there fences out there?" A. "No."
3	4. I am informed and believe the following:
4	a. The final Environmental Assessment ("EA") for the Tuscarora area notes
5	that in Owyhee there is cattle grazing: From Pg. 44 of EA –
6	3.2.6 Livestock Grazing Affected Environment The Owyhee,
7	Spanish Ranch, Squaw Valley and Little Humboldt allotments
8	were affected by the 2006 Winters Fire.
9	The Winters Fire burned approximately 17% of the Owyhee
10	Allotment, resulting in the closure of all or portions of the Chimney
11	Creek and Dry Creek Pastures to livestock grazing. More than
12	90% of the Castle Ridge Pasture of the Little Humboldt Allotment
13	burned as a result of the Winters Fire and was also closed to
14	livestock grazing. Due to the 2006 Amazon and Winters fires, 73%
15	of the Spanish Ranch Allotment burned, and 100% of the Soldier
16	Field Pasture burned in the Squaw Valley Allotment. As a result
17	the burned portions of the Spanish Ranch Allotment were closed to
18	authorized livestock grazing. The entire Soldier Field Pasture in
19	the Squaw Valley Allotment was also closed to authorized
20	livestock grazing.
21	The Burner Hills and Winters Creek Pastures of the Spanish
22	Ranch Allotment and the Castle Ridge Pasture of the Little
23	Humboldt Allotment were re-opened to limited livestock grazing
24	in 2009. Current monitoring data for all the allotments show
25	that the fire rehabilitation objectives have been met and the
26	allotments may be re-opened for livestock grazing during the
27	2010 grazing year. (Emphasis added).
28	
20	

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under the Freedom of Information Act.
lo" to the fence question, please note the
ne cattle allotment above. Each allotment is
otments that exist on public land. Also please
ts by Katie Fite on the BLM July 15, 2010
te represents the Western Watersheds
in management of both private and public
d equine issues are involved. She notes
exist within Owyhee and the potential issues
tence there. The conclusion compellingly
testimony is not accurate. Perhaps Mr.
d Mr. Cowan's direct question.
ns exist on the Owyhee HMA as are
and as represented by Alan Shepherd, in
oout their horses so much as group we are
the issues in this unprecedented emergency
pared to amass a field team to go out and
tion immediately.
age 3

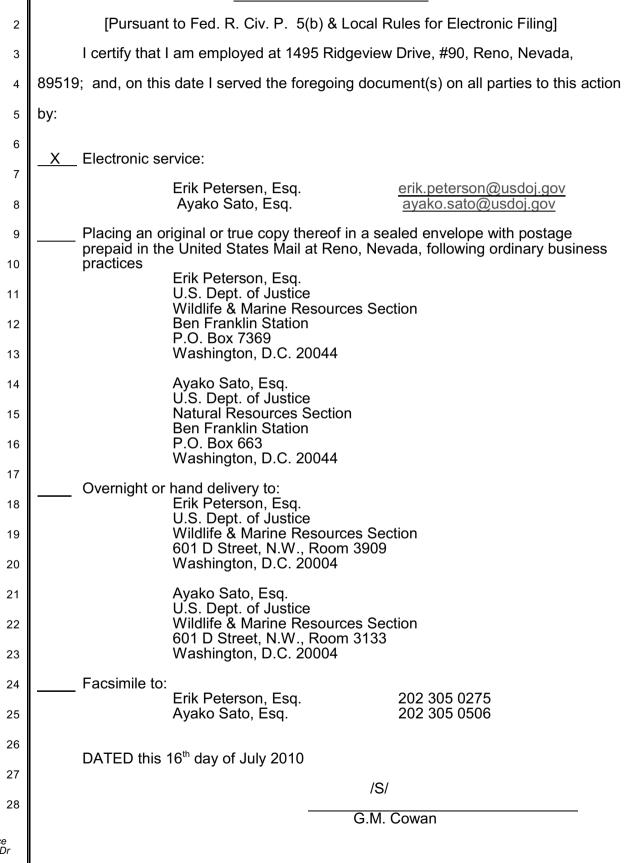
1	b.	Interim Report provided to this Court suggests that BLM's current strategy
2		to deal with this issue is to move ahead with a gather not only planned
3		during the disputed foaling season in the desert heat but now involves
4		animals that are in such a fragile state that the BLM concludes that in
5		three days we will have a 75 percent die-off rate on that range. Their
6		report shows no evidence that any other investigations are occurring,
7		investigations that could reveal fences that in fact are closed as
8		suggested in attached Comments report, above, by Katie Fite of Western
9		Watersheds, or that there may be an illegal diversion of water, which
10		water historically has been present and available to the animals in this
11		area.
12	C.	Defendant's attorney yesterday made a statement to this Court
13		referencing budget constraints. The advocate community is willing to step
14		in and help these horses they love so much at no cost to the BLM.
15		
16	d.	Defendant has put forth to the advocate community that they are willing to
17		look for cooperative efforts among the public. Director Bob Abbey refers
18		to this as a "new direction."
19	e.	Towards that end, a two-day workshop and meeting initiated by the BLM,
20		which occurred last month in Denver, Colorado, brought advocates to the
21		table in large numbers, ready and willing to enter into this "new direction."
22		Proposals have sat on the table, some of them for over a year, where the
23		public has offered cooperative solutions to help fill the gaps and fix the
24		issues within many facets of the Wild Horse and Burro program. Viable
25		alternatives to long-term holding have been proposed and sit, ready to
26		implement immediately, i.e., Madeleine Pickens' plan, Return to
27		Freedom's "Soldier Meadows" plan, and others. These proposals are
28		being looked at by BLM to this time, but no action has been taken to date.
e Dr		
		Page 4

1	d. Herd-Watch, of which I am Project Manager, offered at the meeting in			
2	Denver to help BLM solve some of its problems on the range on a			
3	completely volunteer basis.			
4	e. According to Defendant BLM's <i>Interim Report,</i> a death rate of 75 percent			
5	awaits these horses if left alone. And as we have already seen from the			
6	alarming mortality rate among this Owyhee herd as a result of the first			
7	day's gather, the potential exists for a 100% mortality.			
8				
9	f. After the hearing before this Court yesterday, volunteers stepped forward			
10	to assist in assessment and implementation of other available solutions			
11	rather than forcing these animals to face a helicopter in their fragile			
12	condition.			
13	g. The undersigned asks that the Court grant Plaintiff's request for a			
14	Temporary Restraining Order and lift restrictions to public access within			
15	Owyhee in order to facilitate an immediate independent intervention and			
16	assessment towards the new direction of cooperative management			
17	outlined by Bob Abbey at no cost to the BLM. I pray this Court recognize			
18	the magnitude of public interest and core belief that to Americans, these			
19	horses are integral to our landscape as declared by Congress and the			
20	American people in 1971, and that interest has not waned.			
21	///			
22	/// ///			
23	/// ///			
24	/// ///			
25				
26				
27	THIS DECLARATION is made under penalty of perjury this 16 th day of July 2010			
28	in Carson City, Nevada.			
ice ⁄ Dr				
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Cowan Law Office 1495 Ridgeview Dr Reno, NV 89519 Ph 775 786 6111

CERTIFICATE OF SERVICE



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