

SUPPLEMENTAL DECLARATION OF KATIE FITE

I make this Declaration under penalty of perjury; it is based on my personal information except for that stated on information and belief, and as to those facts, I believe them to be true.

I have spent considerable time in the Owyhee Desert Region including the Owyhee allotment and surrounding areas, such as the neighboring YP Desert, the adjacent Idaho BLM lands that touch the north portion of the Owyhee HMA.

Circa 2002 prior to working for Western Watersheds Project (“WWP”) when I worked for the Committee for the High Desert (“CHD”), I appealed BLM’s initial MUD decision for the Owyhee allotment, due to my knowledge of conditions, and concerns about the effects of the BLM’s livestock grazing proposals on wildlife and other values of the public lands. After BLM’s Office of Hearings and Appeals declined to stay the Owyhee MUD, as well as decisions for two other very large land areas – Big Springs MUD and the Sheep Allotment Complex MUD, both CHD and WWP pursued federal court litigation over the deficiencies of these decisions especially in relation to sensitive bird species including Sage Grouse, hawks and eagles. We prevailed in that litigation (WWP v. Oke), and BLM was ordered by District Court Judge McKibben to prepare an EIS to examine the effects of its actions on these sensitive species. I am informed and believe I was an accepted expert witness on range conditions in that area, in that case.

I reviewed many hundreds of pages of scientific and other documents relevant to this specific area, and submitted hundreds of pages of comments related to that process. I made many site visits during the period 2002-2006 to these areas, including the Owyhee. I also filed at least two declarations in federal court related to efforts to achieve interim protective measures while BLM prepared its EIS. These included site-specific observations in the Owyhee.

I have visited other areas of the Owyhee Desert in Nevada, the Owyhee Desert in Idaho, and other adjacent areas of the arid plateau uplands in Spring, Summer, and Fall. I have seen areas like Fourmile Creek flowing with water that one has to drive through at the road crossings with fear of the water causing the engine to die. Yet a month later the same stream would be found by me to be bone dry.

I also visited the Owyhee allotment on multiple occasions following completion of the Sensitive Species EIS. My most recent visits to the Owyhee allotment prior to the BLM Owyhee Gather episodes was early December 2008, early July 2009, and Fall 2009. I viewed the area of the pipeline crossing of the South Fork Owyhee.

It is only the major reservoirs with very large watersheds contributing large flows, that normally retain water. In the Nevada Owyhee, this is typified by Desert Ranch Reservoir. Or in the Idaho Owyhee, by Juniper Basin Reservoir.

Desert Ranch Reservoir, as shown by Map 3-3, receives flows from Chimney Creek, (with Winters Creek as a tributary), and Fourmile Creek. These are large intermittent drainages that originate in the mountains to the south in the Rock Creek HMA.

In stark contrast, only brief ephemeral flows from very small “watershed” areas are associated with the dug stock ponds. I am informed and believe the BLM knows this full well. In fact, during the site visit with several Elko BLM staff in December 2008, including then Tuscarora Field Office Manager Gunderson, we passed bone dry stock ponds that are devoid of year-round water. None of the stock ponds that I passed on that trip had any water. Horses have to drink water in December, too – and up to that point, there was no snow. Very large numbers of horses had survived and thrived in the Owyhee HMA - up until the time of the BLM’s Summer (July) 2010 Gather. In fact, that was the very reason for the Gather –large numbers of horses being present.

The small dug out stock ponds in the Owyhee Desert Region go dry. Elko BLM’s “Sheep Complex, Big Springs and Owyhee Grazing Allotments Sensitive Birds Species FEIS” Map 3-3 shows basic drainage patterns in the HMA. There are only very small watersheds above any of the stock ponds BLM claims somehow “abnormally” dried up. Unless there are very significant fall rains that provide water in puddles, they remain dry; the horses nevertheless, have survived over the decades in the Owyhee HMA by accessing the South Fork Owyhee River (Star Ridge Pasture), and Desert Ranch Reservoir (Dry Creek Pasture).

I note that Mr. Shepherd’s Declaration (Document 50-1) Paragraph 7 references water sources in the Dry Creek and Star Ridge pastures having dried up. Yet there is perennial year-round flow in the South Fork Owyhee River and I have provided the court with photos showing the flowing river. Plus, Desert Ranch Reservoir, which horses can access from the Dry Creek Pasture, contains large volumes of water.

It is normal and completely expected for the dug out stock ponds to retain snowmelt and spring rainwater, and then completely dry up.

This is why BLM’s explanation for the tragic events and death of the wild horses makes no sense to me. Horses have survived in this HMA by accessing the perennial water source of the South Fork Owyhee River, or the large volume of water impounded in Desert Ranch Reservoir.

Mr. Shepherd’s most recent Declaration states there were no fences preventing horse access to water. The only possibilities that make any sense to me then are the following: Were other barriers of some kind erected at key points? Had hazing or other action to pre-position horses occurred? A combination of the preceding? Or were the well over two hundred horses acknowledged by BLM to somehow be marooned by water sources in fact horses that were completely unfamiliar with the terrain – such as horses moved in from the adjacent Little Owyhee HMA to the West? Had a “backdoor” gather of the Little Owyhee HMA been conducted?

This Declaration is made this 20th day of September 2010 in Boise, Idaho.

/S/

Katie Fite