

DECLARATION OF LESLIE PEEPLES

I, LESLIE PEEPLES, declare under penalty of perjury, the following:

1. I am a resident of Olympia, Washington. I make this Declaration in support of the restraining orders sought by Plaintiff Laura Leigh. I am personally familiar with the facts set forth herein except for those facts stated on information and belief and as to those facts, I believe them to be true.
2. I am a natural hoof care farrier and horse trainer. I've worked with horses as a trainer approximately thirty-five years. I've been a farrier the past twelve years. I have shown horses, both English and Western, equitation and pleasure, stock seat equitation, even stock horses. When I was a youngster, I competed in show circuits. I have worked in a large Appaloosa barn as a show assistant. I've worked with halter horses. I worked as the manager of a horse boarding facility. I've driven horse-drawn carriages for a living. I have managed horseback riding tour operations. I have operated boarding facilities. I have been involved with horses the substantial portion of my lifetime. I have owned horses the past forty years and am currently the owner of eight.
3. I am informed and believe I am able to reasonably and accurately identify horses, horse soundness, ages of horses, horse breeds, horse injuries, and I can assess horse health conditions.
4. I was on a trip to visit wild horses when on September 22, 2010, I called a friend, Laura Leigh of Grassroots Horse who advised there might be a wild horse roundup occurring on the Sheldon National Wildlife Refuge ("Sheldon"). I keep myself aware of published roundups of wild horses but had not seen a roundup published for Sheldon at this time. Thinking this was odd for Sheldon to not advise the public of roundups, I chose to head toward Sheldon to see what there was to see.
5. On the morning of September 23, 2010 I called the Lakeview office of the U.S. Fish and Wildlife Service ("USFWS") and spoke with Damien. I asked Damien if there was a wild horse gather ongoing in Sheldon to which he replied, "yes." Damien also advised this gather was closed to the public.
6. I arrived at Sheldon at about 11:00 a.m. when heading westbound from Denio on Highway 140. At about 11:50 a.m. I saw a semi truck heading in the opposite direction towards me on the road. It appeared to be a semi truck pulling a large, single deck

commercial sized livestock trailer. Inasmuch as I was looking for where I might find the "gather," I thought it best to attempt to ask the person driving the oncoming stock truck whether he/she might know anything about it. Accordingly, I pulled off to the side of the road. As I slowed and pulled off the road, the oncoming stock truck likewise slowed down and stayed to the right-hand side of his lane of travel. When however, when I got out of my car and waived at the truck, the truck began accelerating toward me quickly. The truck moved to the center of the road, taking up both lanes (i.e. both lanes of travel) and continued accelerating toward me. . The gap between the oncoming truck and me, closed incredibly fast. I was able to see the driver was a male and he could clearly see me. The driver was intentionally directing his truck toward me. I jumped out of the way, off the road as the truck continued by me, still accelerating. The truck missed me by what I believe to be just inches. It is my best estimate that the closest the truck came to my body was within a foot. The truck went by as I was still leaving the roadway. It is my opinion based on clear observations at the time that, had I not moved out of the way, the truck would have hit me. My best estimate of the speed at which he passed by me is that he was traveling at approximately 40 miles per hour. This incident occurred in a remote region of Northern Nevada where there were no witnesses, on the Road identified as State Route 8A or "SR 8A."

8. There is no other interpretation a reasonable person could make of this encounter other than this: this truck driver intentionally tried to intimidate me, which he did, without regard for my safety.

9. As it turns out, the truck which passed by me was loaded with, what I am informed and believe to be wild horses from the Sheldon gather.

10. I ran across some hunters that informed me the horse gather was on the road toward Badger Camp.

11. At the intersection of Road 8 and Badger Camp Road I met Officer John Storey from the U.S. Forest Service. After introducing myself to Officer Storey, he informed me the road to Badger Camp was closed because there was a wild horse gather in progress about seven miles down this road. Officer Storey told me he was brought in from Portland, Oregon, as security for this wild horse gather.

12. I inquired of Officer Storey whether this was a planned gather and whether he received reasonable notice in advance of his assignment there. Officer Storey replied, "no, this happened very fast."

13. I asked Officer Storey if I could go in or where the wild horses gathered from the range were being held and if I could see the gathered wild horses in "holding. He radioed and asked someone those questions. He then conveyed to me what he was told, which is this: the gathered wild horses are being held in a private facility and they would see if there were arrangements that could be made to escort me to view these horses. Accordingly, I stayed there with Officer Storey for more than an hour awaiting this radio call, which never came.

14. I then headed back to Denio to find cell service to use my cell phone, to make a call to the USFWS Lakeview Regional Office ("Lakeview Office") which is in charge of the Sheldon Wildlife Refuge.

15. At approximately 3:00 p.m. I spoke with Paul Steblien at the Lakeview Office. Steblien is, I am informed and believe, the manager of Sheldon National Wildlife Refuge. Mr Steblien conveyed many items of information during this conversation. Mr. Steblien confirmed there was in fact a wild horse gather ongoing at Sheldon. When I asked Mr. Steblien why this wild horse gather was not publicized, he replied, "We like to keep things low and quiet." Steblien also said they were gathering 400 wild horses. Steblien said wild horses being transferred to the Dufferina Refuge Headquarters. Steblien said 250 of the gathered Sheldon wild horses would be put up for adoption. Steblien said 150 of the gathered Sheldon wild horses would be, in his terms, "vasectomized" and "ovarectomized" and returned to the Sheldon range.

16. In this same conversation Mr. Steblien said he could arrange to escort me into gather at 10:00 a.m. September 24, 2010 (the following day), at the entrance to Road 8. Steblien said he would, at that time, talk about the possibility of my being able to see these gathered wild horses at the facility at which they were being held.

17. Because I was not allowed to observe any activity that day (September 23) I headed toward the refuge station office at Dufferina to see if I could find someone with information on this Sheldon gather. There was no one at the office. So I continued down the road to find a place to take my dog out of the car and for a walk.

18. At about 4:30 p.m. I took the first road to the right past the office. I came to a fork. A sign alongside the road said the road to the right said it was "closed area." Accordingly, I took the road to the left about 200 yards, parked, and took my dog for a walk.

19. At this location I began noticing numerous bones, particularly horse bones on the

ground. As I looked farther, horse bones became more numerous. I followed this trail of horse bones which led me to even more bones and to a denser distribution of horse skeletal remains. I then found a large pit dug into the ground. It was freshly dug. There was also another pit that appeared to have recently been covered. There were horse bones scattered everywhere. I photographed what I observed there.

20. Attached to the motion supporting this Declaration are five photographs which are included with three photos taken by Ms. Katie Fite. The file name of these photos (including my five photos) is "Sheldon Photographs."

21. I personally took the five photographs identified in "Sheldon Photographs" with my name on them (Leslie Peeples). These five photographs accurately show what is depicted in the photographs. These five photographs are not enhanced or altered in any fashion except the fourth photo which is cropped to identify the identity of the helicopter and pilot of the helicopter. These five photographs depict the following subjects:

- a. Stock trailer identifying private roundup contractor Cattoor Livestock;
- b. Scattered horse bones near the covered and newly dug pits;
- c. Scattered horse bones near the covered and newly dug pits;
- d. Helicopter which I discuss, below. (This photo is cropped) with the registration number "N73224."
- e. Helicopter (the same helicopter) which, again, I discuss below.

22. On the far side of the pit (farthest from my location) was a sign that said closed area. Accordingly I did not travel toward that direction.

23. Heading back toward my car I heard horses whinnying. I headed in the direction of the horse sounds and found approximately 250 horses in a facility. There was no barrier or sign age that advised this area was closed or restricted.

24. The semi stock truck that nearly ran me over earlier, I saw parked next to the holding corrals at this facility. I am certain this is the same truck.

25. I took photographs of the horses that I observed there.

26. No one appeared to be present at this facility. Accordingly, I chose to leave the area. I continued back up over the hill toward my car.

27. As I was heading back to my car I heard a helicopter. I then saw the helicopter's rotor blades from where I was standing; the rest of the helicopter was hidden behind the hill where my car was located. I walked toward my car and the helicopter came into my vision. The helicopter was floating above my car no more than twenty feet from the roof of my car.

28. The pilot of the helicopter, the one and the same as the one I photographed (the photos of which are provided with this Declaration) apparently saw me coming; at this point he directed the helicopter toward me. He flew the helicopter no more than 30 feet above me. The helicopter was directed toward me in an aggressive fashion. At this point the helicopter was so close I could see the pilot's face and his facial features appeared angry.

29. I became frightened from the helicopter's aggressive moves toward me and did not think to lift my camera for a moment to document what was occurring. I was confused over why this was occurring, I was frightened, this event occurred very because and I was also dumfounded that this pilot would, for lack of a better choice of words, "buzz me."

30. I then continued to my car. The helicopter followed me to my car while circling me at a distance of approximately 60 feet from my position. At this point I took three photos of the helicopter. One of these photos is supplied with this Declaration.

31. I retreated to my car and began driving away. As I drove off the helicopter continued to followed me, circling me and hovering above my car, again about 60 feet from my position. I stopped momentarily and waived at him, inquiringly. I continued driving on and the helicopter continued to stay with me, hovering and circling at the same distance. At this point I stopped my car, got out and took two photographs of the helicopter.

32. After I photographed the helicopter this second time, the helicopter turned and flew away. I drove farther down the road, thinking I should get away from the situation. I stopped to get a can of tea from the ice chest and to reflect on what just occurred, and to calm down because it was an unnerving and frightening experience.

33. At this point, I heard the helicopter returning. At this point I got into the car and began driving again. When the helicopter arrived, I stopped the car. Once again the helicopter hovered over my car. He was about 30 to 40 feet from my car. He stayed

hovering for about two minutes before flying off into the distance a final time.

34. After the helicopter left I drove down the road, stopped again to once again, gather my composure. At this point, an official USFWS truck arrived while I was out of the car. A man alighted from the truck.

34. The man from the truck was curt in his demeanor and language. He appeared mad. He said the helicopter pilot told him I was taking pictures of the horses. This man from the truck refused to shake my hand. He refused to identify himself. He told me, "Don't take anymore pictures." I replied, "I don't understand. Isn't this a public area?" He replied, "yes, but you can't take any pictures". I said "OK , I can respect that." I again asked his name and inquired of his job. He told me he was the maintenance mechanic at the USFWS yard. He said, "don't take any more pictures." Then he got back in the USFWS truck and drove away.

35. I left this area and headed back for the Dufferina Station office. Once again, no one was there with whom I could ask of the ongoing activities. I left the area for the night.

36. As I was heading out this same road I saw a white pickup truck pulling a tan goose neck stock trailer coming in my direction toward the facility holding the horses I saw earlier.

37. That evening (September 23) I spent the night at the hotel in Denio. While in Denio I saw the same white truck and tan gooseneck stock trailer there and saw and recognized Dave Cattoor getting into that same truck.

38. At 8:00 a.m. September 24, 2010, I arrived at the Road 8 and Badger Creek roads intersection. The Badger Creek road remained blocked and manned by a different person. This person was not from the Forest Service. Rather, this person was a USFWS employee, identified as Officer Smith who I am informed and believe is in charge of security at Sheldon.

39. Officer Smith walked quickly toward me. I let my dog out of my car and he sternly told me "put your dog back in the car." I followed his direction. He next said, "I need to see your drivers license." I said "Hi I'm Leslie." "I need your ID, NOW," he repeated, while rebuking my introduction, I complied and handed him my license. He then said in sarcastic manner, "now that wasn't so hard was it?" My reply: "I'm just a little taken back by your attitude and I don't understand what's going on." He indicated he

received a complaint that I had been chased out of the Dufferina horse holding facility, "by three people." I replied, this was not true, that my presence near there had been blown out of proportion. He asked for my address, who I was, why I was there, and what my interest was in the situation, and from what direction I came before coming to Sheldon.

40. Officer Smith's demeanor made this very tense. I was feeling vulnerable since I was in a remote area, more than 50 miles from the nearest town (Denio), by myself, with no ability to communicate with anyone by phone, before a law enforcement person who was appearing aggressive.

41. I explained to officer Smith I was a wild horse person, that I was interested in the welfare of horses. He then asked, "How did you even know about this horse gather?" I replied that a friend was in Sheldon working with the Sierra Club when they saw the helicopter and also observed trucks loaded with horses, leaving Sheldon.

42. While I was being interrogated by Officer Smith, two loads of horses came out from the road he was blocking (Badger Creek). One of these trucks was a semi truck pulling a large livestock trailer filled with horses. The other truck was a pickup towing a stock trailer filled with foals. I wanted to take photos but Officer Smith had me intimidated enough that my shooting photos might make him even more cross with me than he already was.

43. At this point I was fairly shaken and did not understand what I had done wrong. I was confused over what I had done that deserved such aggression from officer Smith and also from the helicopter the prior day. I began to cry and told Officer Smith I really didn't mean to cause any trouble. Officer Smith told me he was going to write me a "warning" instead of a citation for entering a closed area. Smith proceeded to write something up. He then asked if I wanted a copy, to which I replied, "yes.'

44. I told Officer Smith about the semi truck incident and the helicopter "buzzing" incident. I asked Smith with whom I could file a formal complaint regarding these issues, to which he indicated that he (Smith) was the one with whom to lodge my complaints. I described to Smith what occurred the previous day. I gave him my telephone number and asked that he give me a reply after he spoke with the truck driver and the helicopter pilot. Smith agreed to do so and assured me he would speak with them.

45. Paul Steblien arrived about ten minutes later. He spoke with Officer Smith before

coming to me. After introducing myself Steblien said “ well I was going to take you down to the round up but now, why should I trust you?” I conveyed to Steblien what I told officer Smith earlier. Steblien said “I’ve been advised not to take you down there,” referring to the gather.

46. Steblien had me follow him to another area away from the road leading to the gather. There, Steblien said this Sheldon wild horse gather was not made public because they are trying to keep “low key” because of the public reporting of gather activities that people provide after witnessing a Sheldon wild horse gather.

48. The video of my interview with Steblien is available to the court on request.

This Declaration is made this 23rd day of September 2010 in Reno, Nevada

/S/

Leslie Peeples, Declarant