

## DECLARATION OF KATHLEEN FITE

I KATHLEEN FITE declare under penalty of perjury, the following:

1. I reside in Boise, Idaho. 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 biologist with familiarity with the high desert landscape of Nevada, Idaho and eastern Oregon.
3. I was on vacation and volunteering my time on a field trip in northern Nevada on Tuesday afternoon September 21, 2010.
4. I was traveling with a large group of people. The party included 7 or 8 vehicles, and included conservationists, Tribal and other parties.
5. The group was stopped by U.S. Fish and Wildlife Service ("USFWS") personnel in the vicinity of Badger Camp on Sheldon National Wildlife Refuge. We were told by USFWS we could not proceed further on the road because a Wild Horse Gather was in progress.
6. After much discussion and waiting for various Gather trucks to pass by, USFWS escorted the group to a point above an area on the Refuge that we had been attempting to drive to on the road below.
7. We were not allowed to go further on the road. We were told the Refuge had a horse trap set up in the road.
8. Refuge personnel prohibited any further travel on this route through a portion of the Refuge to access BLM lands on the south and accommodations at Soldier Meadows, Calico Complex, BLM.
9. I am informed and believe the road I was traveling on with this party, and where I and others were stopped from travel, is a County Road.
10. I accompanied the party as it turned around, drove way back north to the paved Highway (Route 140), then east on 140 towards the Knott Creek Ranch turn, then turned south towards Summit Lake.
11. This route appears to be over 60 miles to connect back to our original path. So a distance of approximately 50 miles and two hours was added to the trip, compared to the approximately twelve mile distance to connect with the Summit Lake road on the route we had initially intended to travel.

12. I am informed and believe this road closure was without public notice and was not posted at the entrance to Sheldon.

13. It is my opinion that closing this road without notice to the public creates a danger to the public where those unsuspecting of the closure could run out of gas if they were required to turn back or take another route, because of the closure.

14. Attached to the motion supporting this Declaration are three photographs taken by me. These photos are the first three photos in the PDF attachment entitled "Sheldon Photographs."

15. These photos accurately depict what they portray. The first photo shows horses being transferred from the small to the large which I am informed and believe is typical for Cattoor Livestock's method of filling up a large truck with captured horses, before taking them to a holding area.

16. The second photo depicts personnel. The third photo shows a helicopter I am informed and believe may have been used to scout for wild horses.

17. When I was in cell service, I called Laura Leigh and told her what I saw and that I was not able to investigate further.

This Declaration is made this 25<sup>th</sup> day of September 2010

*/S/*

---

Kathleen Fite, Declarant