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5 Attorney for Plaintiff LAURA LEIGH

6
7 **IN THE UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

9 LAURA LEIGH,

10 Plaintiff,

Case No. 3:10-cv-00417-LRH-VPC

11 vs.

12 KEN SALAZAR, in his official capacity as
Secretary of the U.S. DEPARTMENT OF
13 THE INTERIOR, BOB ABBEY, in his official
capacity as Director of the BUREAU OF
14 LAND MANAGEMENT; RON WENKER in his
official capacity as Nevada State Director of
the BUREAU OF LAND MANAGEMENT, *et*
15 *al.*,

16 Defendants.

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18 **DECLARATION OF LAURA LEIGH**

19 I, LAURA LEIGH, do hereby swear, under penalty of perjury under the laws of
20 the State of Nevada and of the United States of America, that the foregoing is true and
21 correct:

22 1. I am the Plaintiff in the above-captioned matter. I am personally familiar
23 with the facts set forth herein except for those facts stated on information and belief and
24 as to those facts, I believe them to be true. I submit this Declaration in support of the
25 Plaintiff's Motion for Temporary Restraining Order.

26 2. I am a resident of Carson City, Nevada.

27 3. I receive revenue from fair reporting to the public as a journalist on issues
28 involving wild horses and also their management by both private organizations and by

1 governing authorities including the BLM. I have participated in publishing for
2 magazines, the internet and for television, including among others, CNN and also for
3 KLAS TV in Las Vegas, Nevada, the I-Team Broadcast with George Knapp;

4 4. I am the project manager and creator of the Cloud Foundation's "Herd
5 Watch" Program. The purpose underlying the "Herd Watch" program is to create a
6 concise database of information that tracks public lands range health, gather operations
7 and the disposition of American wild horses. The database is being used to educate
8 and inform the public concerning range land health, wild horse herd health, their
9 numbers on the range, history and management practices which includes holding
10 facilities and gather statistics and practices;

11 5. I also illustrate and publish children's books involving true stories. These
12 books encompass stories about wild and domestic horses and mustangs.

13 6. I have for several years past, enjoyed observing first hand, wild horses in
14 their natural environment on public lands, primarily in Nevada. The past year I have
15 spent more time than not, conducting research and observations in the field, particularly
16 in the wild horse environment. Resultantly, I have an affinity and love of seeing first
17 hand, wild horses grow, move, be social and arrange themselves in family bands.
18 Some individual horses I have followed a significant period of time to observe them
19 overcome challenges they face with their environment, both natural and manmade. I
20 have learned by observing them survive and overcome threats to themselves, to family
21 bands and to whole herds. To me, this personal experience has been profound, life
22 altering and rewarding in a manner and to the extent I would never forget. It is perhaps,
23 at least to me, one of the most rewarding, life changing experiences I may ever
24 experience; and I continue to experience these observations;

25 7. Foals are of particular interest to me. Foals in the wild are the subject of
26 two books for children I'm working on currently. Foals involved in BLM gathers have
27 also been the subject of many articles and news clips I authored;

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1 8. To see foals threatened to the point where they are injured, maimed,
2 suffering or expire, is hard to fathom but it happens when the BLM conducts its gathers.
3 I've seen this first hand now, multiple times. I've seen the BLM and their contracted
4 help run foals and their moms with helicopters where they bear down on them with the
5 helicopter's rotor to within feet of the animals. I've watched them die in BLM holding
6 pens following BLM gathers. I've seen foals hardly able to walk after having been run
7 on rocky ground for unknown, lengthy distances, causing severe and irreparable injury
8 to their soft, young hoofs. To me, these personal observations are most disheartening,
9 disturbing and unforgettable. To me, to see this tragic event repeat itself as what is
10 likely to occur with this federal decision to drive baby horses with a helicopter from the
11 Tuscarora Gather area, in desert heat, before they are mature enough to survive the
12 trip, causing their demise, is unspeakable and causes me personal grief the extent of
13 which I cannot measure. I am in disbelief that my own federal government which I love,
14 cherish, support and appreciate, and which I am informed and believe, recognizes
15 these horses as "living symbols of the historic and pioneer spirit of the West," could
16 cause the demise of young foals who have not been provided the chance of a full life in
17 their native habitat;

18 9. I was in this very Tuscarora Gather area three days the end of May, this
19 year. At that time I personally observed the following: I saw not many horses or signs
20 of horses. I did see at a minimum, 20 horses comprised of three different bands. One
21 was a bachelor band. The other two bands contained mares and babies. Within these
22 two family bands, I saw three mares obviously pregnant. I saw two foals in one band
23 and one in the other band. The foals I saw were less than 30 days old. The pregnant
24 mares I saw appeared to be close enough to be within six to eight weeks of giving birth.
25 In this regard, I am and have been a horse owner for many years. I've raised, ridden
26 and trained horses. I've helped mares give birth. I have been involved with helping
27 raise foals from inception. I have been involved in caring for horses through their life
28 span. Accordingly, I believe I have a fair sense of the age of horses, of foals and of

1 mares who appear obviously pregnant;

2 10. In the past, from my research and time on wild horse habitats I have
3 personally seen most births in the wild horse habitat, occur from March through the end
4 of August.

5 11. I am informed and believe that many pregnant mares currently in captivity
6 at BLM's Broken Arrow facility in Fallon, Nevada, which were gathered beginning
7 February 2010 from the Calico Complex (not far from the Tuscarora Gather area) are
8 still giving birth. This is independently confirmed with a visit to the BLM's "update page"
9 on the internet to the Indian Lakes (or Broken Arrow) facility.

10 12. As a journalist, a writer, a researcher and information gatherer concerning
11 wild horse activities, their habitat, population, movement and growth, should an
12 injunction not issue, I would be stymied in my job and vocation were the BLM to exclude
13 me from *effectively* viewing, *effectively* observing, listening and seeing first hand, how
14 the BLM handles horses during their Tuscarora helicopter Gather operation. I would be
15 irreparably harmed where such government conduct in closing off large areas of public
16 lands, effectively limits my right to observe and report activities of government in action
17 on a subject of which I am informed and believe the public has a compelling interest in
18 knowing and for which, it is my job to observe and report. I could not fathom my own
19 government seeking to limit and censor my speech, or limit and censor my reporting, or
20 censor and limit my free thought which would occur were the BLM allowed to proceed
21 with its broad and closure of public lands as intended. And, I believe there is no other
22 speedy or adequate remedy at law which could compensate me for such harms and
23 losses were these intended activities of the BLM allowed to occur;

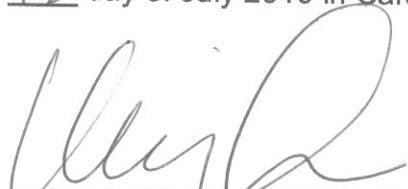
24 13. As an interested human being, I believe I would incur irreparable harm
25 were I to hear, to see, to know that wild horses I have been following, or that foals too
26 young to make a trip, were needlessly harmed, maimed or killed from the BLM's
27 helicopter Tuscarora Gather, particularly where the Gather could be delayed. Words
28 alone do not convey the worry, grief and disappointment I could potentially experience

1 from witnessing or hearing of such a tragic event;

2 14. I am a journalist. I am informed and believe my reporting to the public, of
3 events such as the Tuscarora Gather, helps keep the BLM and government honest. In
4 my opinion, if the BLM had nothing to hide in their intended Gather, the BLM would not
5 have made such sweeping closures, broad restrictions and significant limitations
6 against public access in the Gather area. In my opinion, the BLM seeks to hide from
7 the public, the embarrassing truth that they are likely to kill or maim numerous young
8 foals as well as many other horses; that they are attempting to hide this likely grim
9 outcome from the public by broadly limiting access to those of us who would report it;
10 and should the public discover that the BLM senselessly caused deaths of young foals
11 and their moms, that the following public outcry would be embarrassing and significant.

12 15. I am informed and believe that debate on such a public issue should remain
13 uninhibited from government interference.

14 THIS DECLARATION under penalty of perjury under the laws of the State of
15 Nevada and of the United States is made this 12 day of July 2010 in Carson City,
16 Nevada.

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20 Laura Leigh, Declarant
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