

SECOND DECLARATION OF LAURA LEIGH

I, LAURA LEIGH, hereby declare, under penalty of perjury, that the following is true and correct:

1. I am the plaintiff in the within action. 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. I submit this second declaration in support of the Plaintiff's Emergency Motion for Temporary Restraining Order and for Preliminary Injunction.
2. Appreciating very much that the court has accelerated this matter ahead of the normal timing to hear matters, I respectfully implore the court to intervene immediately with a temporary restraining order that **ONLY PROHIBITS THE USE OF THE HELICOPTER TO ROUND UP HORSES** until the court is able to hear the matter this Wednesday at 4:00 p.m. for the reasons addressed below. In other words, the defendants should not be restrained to round up horses via bait and water trapping methods.
3. I am informed and believe, based on the BLM's probable stepped-up or accelerated method of rounding up horses in reaction to this motion being filed, that by Wednesday at 4:00 p.m. when this matter is to be heard, that the roundup would be completed or nearly completed. Should this occur, then the matter would likely be considered "mooted" by 4:00 p.m., Wednesday, that justice would not have been served and that unnecessary damage would have been accomplished;
4. I am informed and believe that an immediate stay of helicopter use for this roundup would cause no harm to the defendants where the roundup is not emergent where the defendants are rounding up horses currently, that the roundup is not being conducted for AML reduction purposes, that the roundup method by helicopter is not authorized during "foaling season," that foals are being harmed or not accounted for during the roundup, and where the BLM has published statistics of this roundup indicating that horse deaths are occurring but which the defendants provide no explanation for such casualties;
5. I am informed and believe the following is true:
 - a. The update page for the BLM states that the defendants have captured 298 animals as of the end of the day yesterday, Sunday June 17, 2012. That a true and correct copy of the published gather report from which this statistic is gleaned, obtained from the BLM's website, is at **EXHIBIT 6** attached;
 - b. The target number set for removal is 630 animals. With nearly 300 animals having been removed from the area where there was an emergent need for horses' removal, the remaining 330 horses to be removed would come from an area where there is no emergent need for their removal;
 - c. this roundup was necessitated by an emergency declared in a small quadrant in the southern part of the entire Jackson Mountain Herd Management Area ("HMA" or "Jackson Mountain HMA"). The remaining 330 horses would be removed from the northern part of the HMA where there is no emergency. The defendants do not formally acknowledge this distinction;

- d. the HMA is bisected by a mountain peak creating two distinct populations of wild horses that do not intermix; the horses in the northern part of the HMA share public lands where others are currently allowed to keep their grazing livestock; that if there were truly an emergency in the northern part where the balance of this roundup would be completed, no one would be allowed to have animals graze there; Compared with the southern portion, where users who kept grazing livestock in the southern part of the HMA, appropriately and responsibly removed their livestock from that southern area because of the lack of forage there;
- e. this roundup is *not* employed to reduce the population to an “appropriate management level” or “AML” but, rather, is to alleviate an emergency in a small location in the southern part of the HMA; that there is accordingly, no valid reason to employ helicopters to conduct an emergency roundup in the northern part of the HMA;
- f. that despite any emergency, the use of helicopters during foaling season to accomplish a roundup is strictly prohibited and not authorized by the BLM’s own policies and procedures; that nothing prevents the defendants from employing bait and water trapping, even during foaling season;
- g. If there remains an emergency requiring removal of horses at any other portion of the HMA, that the defendants may employ water and bait trapping as is authorized by the defendants own policies and procedures;
- h. At this roundup, the defendants have run horses with the helicopter in extreme heat; and they have run horses with the helicopter for distances that are beyond what young foals could survive without injury;

6. I am informed and believe that attached as **Exhibit 5** is a true and correct copy of a letter sent by Representative Raul Grijalva to Mr. Mike Pool whom I believe is the acting director of the Bureau of Land Management. I am informed and believe Congressman Grijalva is the ranking member of the House Subcommittee on National Parks, Forests and Public Lands and that his letter is self-explanatory;

7. I am informed and believe that the emergency at the southern part of the Jackson Mountain HMA was created when the district did not immediately commence bait and water trapping when the potential for an emergency was forecast some time ago; that bait and water trapping remains a viable method of removing horses at this time, even during foaling season; that helicopter roundups during foaling season are prohibited; that the BLM had hauled water in to the southern portion of the HMA but failed to erect panels to erect traps at the water locations, so as to remove horses in such fashion.

8. Submitted with the Motion for an emergency TRO are true and correct copies of statements sent to me by Stephanie Martin (**Exhibit 3**) and Tara Tucker (**Exhibit 4**) attached.

THIS DECLARATION is made this 18th day of June 2012 in Nevada.

s/

Declarant Laura Leigh