

August 19, 2015

Director Kornze,

My name is Laura Leigh. I am sure you are aware of my work advocating for wild horses. I am writing to you about a disturbing matter that has been intensifying, not abating, over the last few months in Nevada.

My work is not accomplished simply from “behind a desk.” Being on the ground in multiple areas throughout the western states, in a capacity that is often far removed from “official channels,” gives a unique perspective on the effect that political drama plays on the reality of issues such as “human safety” on our western rangelands.

Your agency may have achieved a temporary objective of ceasing press releases from aggressive pro livestock forums. Yet that objective has intensified those exact efforts, now aimed directly at other legal interests of public land. In addition you have increased the risks to your own personnel, not diminished them.

Going into the year 2015 tensions were high in Nevada. Removing Amy Lueders from the state lead position, and replacing her with John Ruhs, may have been a critical error on your part. If the objective was to placate one interest over all others, you have succeeded. That interest, livestock, has been emboldened to continue to ignore appropriate process, not comply.

The recent events near Eureka Nevada at the Fish Creek Herd Management Area (HMA) are a case study of the failures of your agency to support efforts to achieve any semblance of multiple use and fair process according to the law. Your agency is culpable for increasing the risks to public safety and has failed to uphold your responsibility to the law.

Below is a “brief synopsis” of events that created the current crisis at Fish Creek:

- In 2014 the permittee of the Fish Creek allotment, Kevin Borba, ran livestock in trespass for eight months. After multiple attempts to rectify this situation he was cited in “willful trespass,” the designation of willful carried appropriate penalty to the actions. Instead of following through on the citation Senator Heller exerted pressure on your agency to remove that designation. The result was that “willful” was removed and the penalty no longer fit the crime.
- A Comprehensive Animal Welfare Policy (CAWP) was finalized, along with an “Access” standard for observation of roundup activities, yet failed to be included in roundup contracts. Instead old contracts were extended to achieve removal objectives for wild horses without appropriate mechanisms for agency control of operations. Multiple court orders stood as testament to the need for inclusion of these appendices but they were set aside, increasing

tension onsite at operations, and increasing the sense that anyone interested in animal welfare or transparency took a “back seat” to the desire to simply remove wild horses.

- A removal of wild horses from Fish Creek was approved, literally in a last minute process by the national office. These types of reactionary practices by the national office create an undue stress on district and field offices. However at Fish Creek, an area where I had been involved in conversations toward creating a management option since 2012, an Environmental Assessment was completed in twenty days. The National Academy of Sciences (NAS) study, commissioned by your agency, weighed heavily to achieve a plan that complied with all restrictions imposed by Congress yet works within the mandates of the current Resource Management Plan (RMP) and every other mandate, protocol, process in “the book.” It was a “best case” scenario that required significant effort to create.
- Of course such an option would receive opposition from all sides. No one would feel that this option achieved their individual objectives that prioritized their interest. Significant objections came from the “advocate community” and the livestock interests. On my own I began an intensive education program to quell the anger from the advocate community. Not once did your state public affairs office engage in any such activity. I went out on a significant “limb” to engage the public and to reassure them that engagement in multiple areas of process was the appropriate course of action to achieve the objective of continued progress toward multiple use. Protests, marches and displays to simply “gain attention” would impede progress.
- Amy Lueders, BLM Nevada State Director, was placed in “detail” in the national office and John Ruhs, former Ely District Manager, was placed in the state chair. Ms Lueders was dealing with tense issues in this state. She sat in an often “unpopular” position, yet she supported compliance with the law and a path toward equitable multiple use. With Ms Lueders “at the helm” I dropped litigation and began to create a mechanism where direct involvement in process (a process all other “stakeholders” employ) that would require engagement with integrity toward a mutual objective of fair process, as trust is established.
- Under John Ruhs there has been no movement toward building trust based on equitable practices, only an erosion of years of work. In essence the entire state has been lead back in time at least a decade. The “Argenta Debacle” has

simply been an exercise in decreasing “bad press” from the livestock interests. If the objective was to “decrease controversy,” the steps taken have had the exact opposite effect and clear lines of an escalation of conflict have been drawn.

- At Fish Creek, on the exact date that horses were to be returned to the range, Eureka County and the local ranchers filed suit to stop the Fish Creek plan. Not only were representatives of the county and ranching community onsite, but also the contractor trailers to transport the horses to the range were vacant. Discriminatory access to holding pens was flagrantly given to pro-ranching media by your contractor. Your contractor even socialized with the protestors from the county after being outright confrontational with advocates at the temporary corrals throughout the operation to the extent that I chose to walk away from the attempts to draw me into a volatile situation.
- Although your agency did engage the legal action through the Interior Board of Land Appeals (IBLA) with Motions filed with absolute integrity to process, your public relations office failed miserably. The public relations staff sits in the state office. Not one attempt to reach out to the public to achieve any understanding of the Fish Creek plan was done. Minimal to no effort was made to support the adoption event of Fish Creek horses in Eureka. In both cases materials were provided to the state office to achieve those objectives. In all cases they failed to act during increasing tensions.
- The court denied the “Stay Petition,” ranchers were removed from the docket as having no standing, and most of the horses that had been held as literal hostages were finally returned home (there are still 15 mares and foals at the “off-limits” Broken Arrow facility). This release did not happen without additional cost to the public and the horses. The financial cost of holding, transport and a tour through the Broken Arrow facility pales in comparison to the cost to the horses themselves. Over 5% of the wild horses slated for release died, the horses themselves always pay the ultimate price.
- At the release I was once again taunted and multiple attempts were made to draw me into an altercation, I chose to walk away. The pro ranching community brought in what could be described as the largest anti animal welfare group in the nation, Protect the Harvest. Direct ties exist between this group and those engaged in the “Grass March.”

- At Argenta all efforts to minimize bad press from the livestock interests of last years “Grass March” were made. A deep-rooted failure to recognize the broad scale, long- term effects of these actions was evident. Headlines from pro ranching interests read that “John Ruhs brings common sense to the West,” as the rest of the world groaned. Accountability to process, policy, and even the First Amendment, went out the window. The agreement I had worked so long and hard on with Ms. Lueders went without being finalized and sat unsigned. Individuals involved in the legal process over the Argenta allotments were cut out of process.
- As Eureka county has kept the legal effort alive to remove (and even destroy) the wild horses in the Fish Creek HMA, the rancher that ran in trespass eight months last year repeatedly pushed to graze outside the parameters of his permit this year and was denied. Yet the work to achieve a successful long-term objective at Fish Creek continued. The Stay was denied. First year objectives for successful use of fertility control required acclimation to panels set for trapping, vaccinating and marking wild horses for tracking. According to BLM process this same permittee was notified.
- Instead of a simple component of management transpiring (setting a few panels on the range) an “anti BLM” social media blitz began. This media blitz included numerous videos showing apparent violations of multiple facets of the Code of Federal Regulations. False statements were circulated in a massive campaign that said there was no water in the allotment, when in fact there was water available before the first video was ever published. This “blitz” was conducted in concert with the trespass permittee and a group that was even supportive of Sea World after *Blackfish* aired, Protect the Harvest.
- It took the state office nine days to respond to the public, nine days. That deserves repeating, “it took the state office nine days to respond.” The response when it finally did come was woefully inadequate to address the sheer mayhem that was allowed to occur. This lack of action on the part of the state office placed human life and wild horses in increasing jeopardy. A social media storm had achieved it’s objective in creating a havoc that had a very confused public wondering why the BLM was killing horses, gave rise to conspiracy theories, had myself placed back on the “most wanted” list and even had cries of “oath keepers.” During this time the situation escalated from one involving about ten horses to as many as nearly forty. As always the horses pay the ultimate price.

- I attempted to inform the public of the situation, informed the public of the connections between those involved and that BLM would be responsible to process (as I was assured). I was informed that an investigation was immediately instigated. However the state office failed to create any outreach to media outlets to reassure the general public that this situation was not what it seemed and was “under investigation.”
- As a stakeholder intimately involved I began to prepare documentation to provide to appropriate authority. I have yet to be contacted.
- However Eureka County (Plaintiff on Fish Creek against the government), the trespass rancher, Protect the Harvest and pro ranching media were parties to what can only be described as a “private tour” by acting State Director John Ruhs. Standing side-by-side with the individuals supposedly under investigation for violation of federal law, not only was my position as a target solidified, the lawful decisions by the Battle Mountain District were undermined.

Outrage at what I witnessed, during just the last stop of that tour, is an understatement. I can only describe it as a complete departure from any semblance of integrity.

- After months of trying to get in-depth media interested in the Fish Creek objectives (based on the best available science and the law) the “antics” of the last two weeks had finally drawn that attention. Brian Ertz of WildLands Defense and a journalist working on a public lands story for National Geographic, Christopher Ketcham, met me on the range. I showed them the wild horses in the Lucky C allotment that had been the subject of the controversy. They wanted to see the Fish Creek allotment. They also wanted to see the off HMA area of the controversy. We knew there was a meeting on the range that day of the “anti wild horse, anti BLM” camp but thought it was either over or we had missed it moving through the HMA. However my passengers were able to see clearly that the wild horses in the allotment had water and were in good condition, that was my objective.
- The two of them followed in their vehicle, as they had all day, to the off HMA area of the “social media storm.” When we drove in I saw not only the Protect the Harvest vehicles, the County Commission (plaintiffs against the government), the trespass rancher under asserted investigation, pro rancher media, but also two members of BLM staff. Acting State Director John Ruhs and District Manager Doug Furtado were in the crowd. In my estimation all I could see was a “lynch mob” and a few cameras aimed at my vehicle. I took

my pictures of the crowd and the trap and left. The media that had been traveling with me stayed.

- After seeing the local Sheriff respond in record time, I headed for Austin. There I received a text message from Christopher Ketcham, media, that he was informed that he needed a 4 wheel drive vehicle to participate in the tour. We had a brief discussion about the sanity of my returning. However their participation required a vehicle and I agreed to be their driver, so I made the long drive back.
- When I arrived to pick up my passengers I was informed of what transpired during my absence. Apparently acting State Director John Ruhs made a number of erroneous statements about my relationship to the BLM. I was informed that my name was a primary subject of discussion at that location. I was informed that the acting State Director asserted that I had violated an agreement (that is non existent) and my photographs belong to the BLM (simply not the truth) and that I would be “dealt with.” These statements were made to those under investigation for violating federal law or were plaintiffs against the BLM. These statements were made to the exact same individuals that had engaged in the “BLM and Leigh kill wild horses” social media storm the week before.
- I knew the direction the convoy would take through the HMA. I headed in the opposite direction so the journalist could be at the “meeting.” I was correct and saw the “convoy” coming across the valley floor. We slipped in ahead of the convoy and headed toward the Brown Well, the logical next stop.
- I pulled my vehicle in front of the game camera onsite to document my arrival at the location and to give a vantage point to document vehicles as they arrived. The first vehicle contained Kevin Borba, the man under investigation. Acting State Director John Ruhs exited a private vehicle, not government, and Ruhs was accompanied by a member of the pro ranching public. The last vehicle held District Manager Doug Furtado and Field office manager John Sherve.
- My simple presence onsite, even though I never departed my vehicle, seemed to be a great concern. My vehicle was photographed numerous times by pro ranching interests. District Manager Furtado approached my vehicle and stated he “did not invite” me. I replied that I was in Austin and got a call from media and simply drove them in. That by this time my past actions should

clearly demonstrate that I am not intending any confrontation. Even though this should be a public meeting, I was aware of the reality. I was not welcome in any way. Acting State Director Ruhs never approached my vehicle, and hardly looked in my direction, clearly solidifying his position on the range.

- What I overheard and witnessed left me literally ill. I watched as the acting director stood side by side with the man under investigation, not side by side with his own personnel, and literally smiled, nodded and engaged in discrediting the Fish Creek plan, that had been upheld by the courts, undermining any semblance of government accountability to the law.
- As the convoy left the location my passengers came back to my vehicle. Writing extensive notes on his notepad the journalist had his story. I reminded him that the convoy was headed toward his parked car. We then headed toward the highway where we found the convoy parked along side the dirt road. I had to drive slowly through the gauntlet. Again John Ruhs barely looked up until my vehicle was inches from him, the face I saw left me absolutely no confidence that any protocol or process that includes “multiple use” of public land exists in his mind.
- “If this were the 70’s or 80’s you would be dragged out of your truck, brutalized, tied to a bumper and dragged around the desert until your body disintegrated. Or perhaps next year?” I guess the journalist got his story.

This is now your legacy of the West Mr. Kornze. Your need to resolve bad press from the ranching industry has led to this literal crisis we now face on public land. Fish Creek is not an isolated incident; there are many other ranges where anyone advocating for the protection of public resource has been placed in real jeopardy. Your federal employees have been placed in greater risk of a continuation of a lack of respect for the boundaries we must all maintain if public land is to remain “public.”

If your objective as the Director of the BLM is to create accountability to regulations under fair and equitable practices, John Ruhs must be immediately removed as acting State Director. Before Mr. Ruhs is given any opportunity to further jeopardize public safety, his actions while sitting in Nevada must be intensely scrutinized.

If your objective is to “avoid bad press,” you need to get your public relations staff ready. A likely headline in the near future will be “Advocate Murdered, Senator Gets Sentence Reduced to Time Served.” You should prepare your staff to respond as that

event will likely spark a wave you may not be able to control operating at the snail pace your agency can not seem to extricate itself from, even on simplistic matters like a trap site adoption.

You must clearly demonstrate, through decisive action on the current crisis in the state of Nevada, that your agenda includes some semblance of integrity to the concept of fair and balanced process. If not, I fear that Nevada has been transported back in time to the days when actions like "The Taylor Grazing Act," that attempted to stop livestock producers from killing each other over a blade of grass, will once again be required.

In addition the actions of the last few months by acting Director Ruhs have clearly demonstrated to me that signing any agreement would simply be an exercise in futility if my aim is fair and balanced participation in process to achieve actual "multiple use" practices that safeguard public resource. What was implied was that any agreement was simply a way to "deal with me."

The actions by Director Ruhs have left me little faith that any true and thorough investigation into the events that encompass the entirety of the Fish Creek incidents, including the contractor trailers that were vacant from the temporary holding area on the day of the expected release, will ever occur. I have little faith that we will witness any appropriate action in a timely fashion to restore a sense of order and equal process.

How you proceed at Fish Creek will set a precedent for future actions by multiple parties.

I eagerly await your response.

Sincerely,

Laura Leigh

bcc/ John Marvel, Brian Ertz, Raul Grijalva, Sally Jewell, President Obama