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## DECLARATION OF CRAIG THIESSEN

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I, Craig Thiessen, declare under penalty of perjury that the following facts are true and correct to the best of my information and belief:

1. I am over the age of 18 years old.
2. My address is (b) (6) [REDACTED]
3. I am the brother of Lance Thiessen, whose address is (b) (6) [REDACTED], (b) (6) [REDACTED].
4. I operate Canyon del Buey, LLC together with my brother, Lance. Canyon del Buey, LLC is a year-round cow-calf operation. We have grazed the Canyon del Buey Allotment in the Gila National Forest since 2011, initially as individuals but more recently as the LLC.
5. Lance and I are experienced ranchers. We grew up on a ranch and participated in ranching activities since we were young boys. Between us we have many decades of experience running a livestock operation.
6. I ranched with my father since my youth until I was 23, then ran my own operation until I was 34, doing seasonal work for the next 6 years, until I began my current operation that grazes on the Canyon del Buey Allotment.
7. My brother and I pride ourselves on our stewardship of the public lands. We have never received a notice of non-compliance from the Forest Service. In fact, our cattle numbers were *increased* in recent years because of the agency's recognition of our good management practices on the Canyon del Buey Allotment. Therefore, apart from the November 29, 2018 letter from the District Ranger Emily Irwin, our understanding was that the Forest Service generally approved of our grazing practices.
8. The only noteworthy negative interaction I have had with any federal land management agency concerns the "take" of a Mexican gray wolf I was implicated in around February 2015. Mexican gray wolves are listed as a threatened species under the Endangered Species Act.
9. I entered into a plea agreement with the federal government concerning the February 2015 wolf incident. The plea agreement speaks for itself, but the relevant details are as follows:
  - a. On May 24, 2018, I entered into a plea agreement with the United States wherein I pleaded guilty to having "knowingly took a Mexican gray wolf" that had inadvertently been caught in a trap I set on the Canyon del Buey Allotment in the Gila National Forest in February 2015.
  - b. As a consequence of violating the Act, I was sentenced to one year of unsupervised probation and fined \$2,300 per the plea agreement.
  - c. I did not kill the wolf in question, nor did I intentionally try to kill it. In the February 2015 incident, a young Mexican gray wolf was inadvertently snared in a trap I had set for some coyotes that were causing problems with my livestock operation. When I discovered the wolf in the trap, I was

afraid for my life. In the heat of the moment, I struck the wolf with a shovel in an attempt to stun the animal in what I believed was self-defense. With the wolf subdued, I then released it from the trap. Sadly, however, the wolf was later killed by another wolf.

- d. Although the incident of the wolf was ultimately determined to be unlawful, the traps I set were entirely lawful. I fully complied with all pertinent trapping laws and regulations.
10. I fully cooperated with the authorities in this matter have adhered to the terms of my probation. Apart from the probation I was sentenced to per the plea agreement, I do not have a criminal history.
11. My brother, Lance, and I made the decision to reorganize our livestock operation some years ago.
12. Canyon del Buey, LLC is a New Mexico limited liability company and was formed on September 20, 2017 as part of a reorganization of our livestock operation.
13. As the New Mexico Secretary of State's website states, I (Craig Thiessen) am the organizing member of Canyon del Buey, LLC and Lance Thiessen is listed as a member and a manager of the LLC. Lance Thiessen is also listed as the registered agent of the LLC. This was formalized in some Articles of Amendment filed with the New Mexico Secretary of State in September 2017.
14. Contemporaneous with the creation of Canyon del Buey, LLC, we obtained a Waiver of Term Grazing Permit form from the Quemado Ranger District for the Canyon del Buey Allotment dated August 31, 2017. This waiver recognized that I (Craig Thiessen) had transferred the base property associated with the allotment to Canyon del Buey, LLC, which meant that Permit No. 61493 should be transferred (via issuance of a new permit) to the LLC. This waiver was signed by District Ranger Emily Irwin.
15. Thereafter, On November 21, 2017, the Quemado Ranger District issued Term Grazing Permit No. 61493 to Canyon del Buey, LLC. After we received a grazing billing and annual operating instructions, we placed the entirety of our herd on the public lands.
16. We have been actively grazing the Canyon del Buey Allotment this year in accordance with terms and conditions of our grazing permit and the annual operating instructions.
17. However, we received a November 29, 2018 letter from District Ranger Emily Irwin informing us that our grazing permit was cancelled. We had not received any prior written or verbal communication from the agency about this prior.
18. At the time of the issuance of the grazing permit to the LLC, the Forest Service made no statements either verbally or in writing to myself or my brother, Lance, regarding any concerns over the new corporate status of our livestock operation.
19. The Forest Service never explained to either my brother or I what their desired protocol was for transferring the grazing permit to the LLC. I only learned of their dissatisfaction with our corporate reorganization by way of the November 29, 2018 letter that cancelled our grazing permit.
20. After the November 29, 2018 letter was issued, District Ranger Emily Irwin replied to an email from my brother, Lance Thiessen, with additional rationale for cancelling the grazing permit that was not included in the decision document



itself. The follow-up e-mail explained that the alleged “misrepresentations” as to the LLC structure stemmed from the Forest Service’s professed ignorance that I (Craig Thiessen) still had an operational role with Canyon del Buey, LLC.

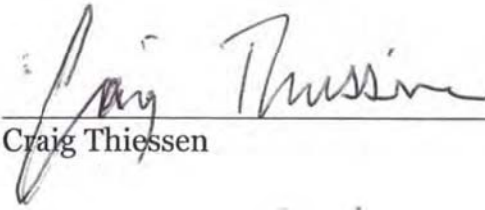
21. The November 29, 2018 letter informing us that our grazing permit was cancelled came as surprise to us. The Forest Service never made any statements either verbally or in writing to myself or my brother, Lance, regarding the decision to cancel the permit because of 2015 “take” incident.
22. If our grazing permit is cancelled, it will be a devastating blow to our livestock operation. Given that we have already lost 48 cows this year to predation from wolves, we are down to only 286 head as-is (with only 53 branded calves as of present). There is no nearby pasturage available to us, nor do we have enough private ground to pasture our entire herd on indefinitely, so our only option would be to make use of a private feedlot as a temporary solution. The cost of such a facility is roughly one dollar per head a day; therefore, keeping our cattle in a private feedlot for one year would cost approximately \$104,390 (286 head x \$1 per head day x 365 days). We cannot afford this cost.
23. While the financial burden of removing our livestock from the Canyon del Buey Allotment would be crippling in its own right, the physical act of removing the cattle would have serious negative consequences for our animals as well. Removal and transport would inevitably result in the injury (and perhaps death) of some of the herd, especially given that the cattle may be forced to travel for a long distance.
24. Practically speaking, given how time-consuming the process of rounding up cattle is, it will also be difficult to comply with a hypothetical order to remove our cattle from the allotment at this time of the year. Owing to the rugged terrain on the Canyon del Buey Allotment, we realistically could not begin to round up our herd until August 2019 since that is the only time that they will be in an accessible pasture for us to retrieve them. And even then, it will take at least two months to fully round up the entire herd. As such, removing our cattle would take the better part of a year.
25. Moreover, removing the cattle will cause damage to the landscape itself. After a certain period of time, cattle learn which parts of an allotment to graze at different times of the day and year. This knowledge becomes imparted to the herd as a whole. Removing livestock from their pasture destroys this familiarity, which harms the herd’s ability to return to free range grazing in the future. Moreover, if a new permittee were allowed to graze the Canyon del Buey Allotment after we were excluded, this new permittee’s cattle would not have the same instinctual knowledge of the landscape as our cattle do. The animals would therefore cause greater impacts to the public lands (e.g., from trampling and greater congregation in certain areas) in their attempt to find forage in an unfamiliar environment.
26. Given the foregoing impacts, the cancellation of our grazing permit would cause us irreparable harm because it would likely destroy our livestock operation.

I declare under penalty of perjury that the foregoing is true and correct.

FURTHER Declarant sayeth naught.

DATED this 7th of January, 2019.

By:

  
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Craig Thiessen