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F.I.M. CORP.

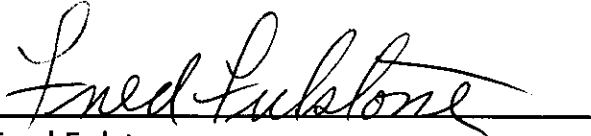
Farming and Livestock

P.O. BOX 12
SMITH, NEVADA 89430



To: SEC Council Members
May 13, 2014
Carson City, Nevada
Submitted By: Fred Fulstone

Enclosed find my comments and an article from the "US Observer" dated February 2007 and Titled "Predators-Mule Deer & Desert Sheep Populations" (Three Pages). I confirm all this information because I was there in 1946 when the 1080 program started. Also, read the remaining material which strengthens predator control to keep the Sage Hen. Attachments #1 thru #4.


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Smith, Nevada

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The Sagebrush Ecosystem Council has been appointed by the Governor of Nevada to increase Sage Hen numbers. My sheepherders and I have lived with these birds for the last 80 years, 24/7 on the ranges. We have watched these birds with deer fluctuate from high to low numbers all thru the 80 years. No matter what happened, the sage hen have always come back from their low numbers, which have been much lower than we have today. Exhibits 1 and 2.

During the early 1940's the coyotes and other predators were killing lots of domestic sheep, (a few calves) so in 1946 the Federal Government, USFWS, began to use a toxicant called 1080. Baits were put out in coyote runways, which proved to be very effective. Also during this time a cyanide getter, steel traps, and head snares were used. By 1950 deer numbers and sage hen number were very high state wide, and they stayed high until the late 1970's.

President Nixon had banned the use of all toxicants in 1972, so predators started to increase dramatically in the late 1970's. Sage hen and deer counts started going down, the BLM and FS began to clamp down on predator control on the lands also.

Domestic Range sheep numbers in the late 1970's began a decline state wide and therefore predator control declined. Then the Sage hen and mule deer population's numbers began to drop.

The sage hen numbers began to decline at the same time the livestock numbers went down drastically, that gave considerably more habitat for the sage hen, but still their numbers s have gone down.

Good predator control seemed to be the key to more wildlife, and that is what we need today to increase number of sage hen. Please read the enclosed Exhibit 3 for more detail on the predator program.

Fred Fulstone
Smith, NV

SUMMARY OF STATEWIDE UPLAND GAME HARVEST 1967-2011								
From Post-season Questionnaire								
Year	Sage Grouse	Hunters	Blue Grouse	Hunters	Chukar Partridge	Hunters	Hungarian Partridge	Hunters
1967	7,284	4,584	408	564	48,984	8,376	ND	ND
1968	11,765	5,499	975	559	78,064	10,047	ND	ND
1969	23,270	7,605	767	611	124,353	14,536	ND	ND
1970	23,775	9,180	645	570	16,886	18,615	ND	ND
1971	20,805	7,845	660	645	155,895	17,127	ND	ND
1972	17,686	9,099	1,301	882	75,520	14,116	ND	ND
1973	24,930	8,536	2,529	1,237	131,608	13,936	ND	ND
1974	22,924	9,348	3,409	1,696	161,813	17,952	9,625	2,160
1975	16,376	8,331	2,168	1,534	89,408	14,292	2,671	1,185
1976	13,902	5,977	1,752	1,047	56,440	9,626	2,020	870
1977	7,561	4,230	2,257	1,164	52,245	7,853	1,503	606
1978	17,693	6,647	2,663	1,396	108,775	12,296	2,234	796
1979	28,228	8,090	3,123	1,684	151,270	13,960	2,665	1,042
1980	14,648	5,895	1,824	1,112	218,965	15,481	4,895	1,465
1981	15,522	6,731	2,916	1,560	84,498	11,486	8,671	1,469
1982	13,015	6,150	1,792	1,501	55,454	10,738	2,151	1,257
1983	14,495	6,297	939	1,379	79,222	10,979	2,999	1,105
1984	11,555	5,960	1,183	1,043	52,243	9,264	3,299	1,079
1985	ND	ND	1,125	1,063	19,514	6,842	1,271	484
1986	3,967	2,361	1,897	950	43,555	9,325	1,802	774
1987	9,104	3,866	1,694	1,063	52,640	10,200	2,609	983
1988	7,564	3,722	1,856	1,317	101,194	13,065	3,888	1,260
1989	9,445	4,320	2,303	1,225	82,464	14,545	1,655	847
1990	13,697	5,331	2,357	1,291	75,834	10,941	3,829	1,247
1991	13,371	5,564	1,161	1,285	46,700	11,364	1,526	858
1992	12,871	5,126	3,179	1,422	46,780	9,206	750	489
1993	9,782	4,352	1,490	1,141	24,232	7,519	368	377
1994	9,004	4,238	847	796	28,563	6,871	938	275
1995	7,529	4,042	1,606	1,127	62,009	11,613	1,985	658
1996	8,111	3,906	1,969	919	61,972	11,041	1,455	760
1997	5,125	3,471	1,105	1,113	36,950	9,178	1,055	480
1998	5,723	3,277	1,550	857	62,289	10,742	2,830	750
1999	6,070	3,097	1,702	997	105,655	15,586	8,759	2,069
2000	4,728	2,520	925	844	61,310	11,721	4,801	992
2001	2,691	1,708	1,168	666	54,350	8,905	2,223	697
2002	3,940	2,412	1,064	801	72,545	10,722	1,504	789
2003	4,557	2,177	1,305	688	115,738	12,491	2,266	892
2004	5,244	2,194	833	523	76,081	9,134	1,482	523
2005	3,175	1,526	2,046	1,268	120,135	14,727	2,767	1,613
2006	3,701	1,981	2,822	1,987	104,408	15,654	4,334	1,866
2007	4,897	3,197	1,699	1,643	61,153	14,448	1,775	1,114
2008	5,775	3,271	1,936	1,670	61,307	11,735	1,334	1,023
2009	8,944	4,461	2,807	1,878	76,851	14,197	2,272	1,438
2010	7,353	3,827	1,599	1,375	83,660	14,770	3,656	1,300
2011	5,295	2,055	1,084	864	105,047	11,273	3,592	1,095

REPORT OF STATE FISH AND GAME COMMISSION

stores, more than double the take of retail liquor stores, about four times the business of jewelry stores, and more than the income of all gasoline filling stations.

"What sportsmen spent was double the value of all hogs on farms, eight times the reported value of all sheep in the nation, and approximately half the capital value of all cattle."

Since 1947, there has been a staggering increase in the number of hunting and fishing licenses sold. During that year, Nevada sold a total of 61,207 hunting and fishing licenses of all types with 82,492 being sold in 1951.

An economic survey made by one of our neighboring States showed that for each dollar spent for a hunting or fishing license, \$50 was spent by the sportsman in pursuit of his hunting and fishing pleasure. The survey took into account all moneys spent by the sportsmen for firearms and ammunition, fishing tackle, gas and oil, tires, lodging, and any other expense required on a hunting or fishing trip. To be on the conservative side, let's say that \$25 was spent by each Nevada license holder for each dollar spent on a license and see how much this is worth to the business man of the State of Nevada. Taking the year 1951 for an example, there was a total of \$505,857 received from the sale of hunting and fishing licenses. This multiplied by \$25 gives us a total of \$12,646,425 spent by sportsmen during one year. This does not include anything spent by the thousands of people who do not hunt or fish but utilize our streams, lakes, and forest land for picnics, camping, boating, swimming and other forms of outdoor recreation. If we capitalize the above total spent in 1951 by sportsmen at 4 percent, we have a figure of \$314,160,625 for a potential value of our wildlife resources during that year. This amount would increase each year as more and more people seek relaxation in the sport of hunting and fishing.

Too often we fail to appreciate the value of fish and game as it relates to meat harvested and utilized by the housewife to reduce the family budget. Based on the 1951 game kill report compiled by a 10 percent sample of all license holders in the State, let's give each animal, bird or fish harvested a very minimum monetary value and view the results.

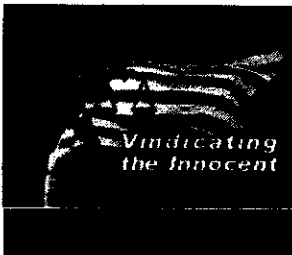
GAME KILL REPORT FOR 1951

Species	Number harvested	Meat value (Each)	Total by species
Deer.....	20,300	\$30.00	\$609,000.00
Elk.....	22	120.00	2,640.00
Antelope.....	127	20.00	2,540.00
Sage Grouse.....	21,200	1.00	21,200.00
Chukar Partridge.....	36,184	.50	18,092.00
Pheasants.....	6,000	1.00	6,000.00
Geese.....	10,568	2.50	21,136.00
Waterfowl.....	147,448	1.00	147,448.00
Quail (Estimated).....	36,000	.25	9,000.00
Mourning Dove.....	45,233	.10	4,523.30
Cottontail Rabbit.....	18,921	.50	9,460.50
			\$851,039.80
Fish (estimated) 47,300 licenses—10 pounds per licensed angler at 50¢ pound.....			236,500.00
Total meat value.....			\$1,087,539.80

On this he receive with the conservat No me: State bec a conserv: each year The wi we have, deserves.

The offi ment for t center fo Commissi and repor sion, the f Indicati fact that ending Ju inquiry fr through t In addi for the pr new arrar January 1 Clerks wh their resp sales to th thus impo the volum Clerks res their office County Cl The Con agents anc placed unc and dissem of the new is present.

Previous quence, eac a semblanc however, tl for the pur newly activ



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US~Observer February 2007

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**Nevada News & Commentary
Predators - Mule Deer & Desert
Sheep Populations**

By James "Mike" Laughlin

Nevada - In 1867, D.C. Wheeler trailed a band of domestic sheep from Oregon to western Nevada. Since that time, there has been some type of predator control conducted in and around sheep herds in Nevada. In 1927, there were reported to be 1,200,000 sheep and 400,000 beef cattle in the state. Each stockman or groups of stockmen fought their own predator problems. After World War One, the federal government took over the predator program. Under the Biological Survey, professional hunters were hired to pursue coyotes, bobcats, and mountain lions state wide. In 1939, 93,000 coyotes were reported killed throughout the state of Nevada. Counties also paid bounties on coyotes and lions. The longhair fur industry became profitable and private fur trappers harvested many coyotes and bobcats.

In 1946, the federal government began to use sodium monofluoroacetate, a toxicant-called 1080. This poison was tasteless, odorless, and colorless and highly selective to canines. It proved to be the single most effective tool ever used to suppress coyote numbers. 1080 was injected into sheep or horse meat. These baits were placed in coyote runways. Also, about this time, the cyanide getter was used to a real advantage taking large numbers of coyotes. Steel traps and head snares were also used. Deer numbers were very high statewide and deer tags could be purchased over the counter. There were also lots of upland game birds.

In 1962, Rachel Carson published the book "Silent Spring" which brought worldwide attention to the use of pesticides. Starting from the publication of this book, the environmental movement was launched throughout the world.

In 1972, President Nixon banned the use of all toxicants (poisons) by executive order. He was soliciting the support of environmentally concerned voters. With the loss of toxicants in the Animal Damage Control program, coyote numbers began to increase dramatically. Coyote predation upon newborn range calves became a

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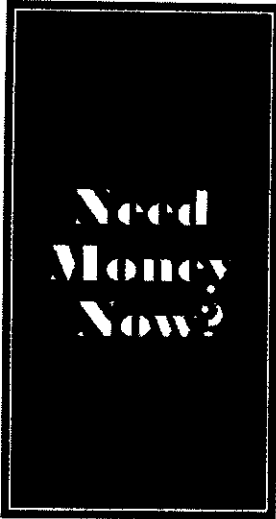
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46-72



real problem in many areas of Nevada. Cattlemen, along with sheep men, backed the predator control efforts in the state.

The federal government launched into a non-toxic predator program. A large amount of federal money was appropriated and spent in an attempt to prove that the use of non-toxic control tools could replace 1080, cyanide getters, etc. The use of helicopters to shoot coyotes from the air was initiated in Elko, Nevada. About this same time, use of fixed-wing aircraft, which had been used before to hunt coyotes, was also increased. Longhaired fur prices went sky high and fur trappers were out in force after coyotes & bobcats. The Animal Damage Program also employed 3 to 4 mountain lion hunters with dogs, who pursued mountain lions statewide, year around. Most of the mountain lion depredation calls occurred on or near domestic sheep ranges. With the removal of many coyotes and mountain lions by the Animal Damage Control program and private fur trappers, mule deer numbers began to rise dramatically.

In the late 1970s, the predator control program shifted from Department of Interior to the Department of Agriculture. Federal funding began to dry up. The BLM and U.S Forest Service began to clamp down on predator control activities on lands they administered. Law suites by environmental groups filed against grazing allotments and Federal and State agencies were initiated throughout Nevada. The Nevada Department of Fish & Game became concerned about the environmental community and about lion numbers and implemented a quota system by hunting units.

Domestic range sheep numbers, in the late 70s, began a decline statewide and therefore predator control activities declined. Consequently, mule deer population numbers began to go down.

I feel that, through all of this, the Nevada Department of Wildlife, for about \$30,000 a year, got virtually a free ride in the predator program administrated by the U.S. Fish and Wildlife Service and their cooperators. Since this time when domestic sheep numbers fell and predator control activities diminished, mule deer numbers have steadily decreased.

The Nevada Department of Wildlife has attributed the decline of deer herds with such factors as over-grazing by livestock, drought, over-winter mortality, fire, longhair fur prices, gas prices going up, etc. Never once did I ever hear a statement by a Nevada Department of Wildlife biologist to the fact that predators may have made a big impact upon Mule deer and Desert Sheep populations.

It is my prediction that mule deer and desert bighorn sheep numbers may never come back to the levels of the

“good old days” because predators have a free roll in Nevada today. The Nevada Department of Wildlife continues to be “in denial” concerning the impact of predation on Nevada Mule Deer and Desert Sheep populations throughout the state.

James “Mike” Laughlin is a (Retired) Supervisory Wildlife Biologist for the U.S. Department of Agriculture & U.S. Fish & Wildlife Service. He has a Bachelor of Science Degree in Wildlife Biology from Arizona State University. He worked for 31 years in 9 Western states, Mexico, and Provinces of Canada. You can reach him at: mikelaughlin@hotmail.com

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Economic Oversight Committee Meeting
 BLM Office
 Reno, Nevada
 March 20, 2014

1. The action plan of the Bi-State EOC meeting, note of February 28, 2014. You did not have predator control for future project. Predator control should have been at the top of the list. Exhibit #1
2. The \$800,000.00 that was spent on the study of sage grouse by the USGS, clearly states that 82% of the nesting and brood rearing mortalities was caused by predation. See Peter Coates, Virginia Hills report enclosed. Exhibit #2
3. Please look at The Federal Register August 2000 by USFWS. Notice underlined area. Most juvenile mortality occurs during nesting and the chicks flightless stage, and is due primarily to predation or severe winter conditions. Also, up to 50% of all sage grouse mortality is caused by predation from both avian and ground predators. Exhibit #3
4. Copy of document in recognition of Fred Fulstone as a Steward of the Range on the 50th anniversary of the Taylor Grazing Act. Many more of the permittees who worked with the BLM and FS were also recognized. Exhibit #4
5. Page 8 shows number of sage grouse at 205 males and 1025 females at Sonora Junction. We had very good predator control in those days. None today. The numbers were up everywhere then. Exhibit #5
6. Sage grouse needs cattle and ranches Exhibit #6
7. The MAIN reason..... Exhibit #7
8. Presentation by Fred Fulstone at the Sagebrush Ecosystem Council meeting September 12, 2013 Exhibit #8

(S) Fred Fulstone

FIM, Corp
 Smith, NV 89430

Bi-State EOC Meeting Notes
February 28, 2014

Bi-State Action Plan Accomplishments

- Most recent project spreadsheet identifies 298 projects completed or ongoing
 - 193 projects in California
 - 86 project in Nevada
 - 19 in CA/NV
- These project include the following actions:
 - *need predator control here, cost*
 - Fences (removal, construction, modification, marking, etc.)
 - Fire (closure, prescribed fire, rehabilitation, suppression, etc.)
 - Horse Gathers
 - Land exchanges, purchases
 - Livestock Management
 - Meadow Irrigation
 - Monitoring
 - Powerlines (removal)
 - Research
 - Restoration
 - Treatment (chemical, pinyon/juniper, fuels, etc.)
- The PMU sub-groups have identified 55 proposed projects for future work
 - 31 projects in California
 - 17 projects in Nevada
 - 5 across state lines

MUST LIST DO and COMPLETED

red Kack said, completion of these will not move the pen towards not listing

98

Projected work needs (more immediate needs from my perspective only and for discussion purposes)

#	Project Description	Cost
1	Complete easement purchase for Desert Creek (#1)	\$4,900,000
2	Complete easement purchase for Desert Creek (#2)	\$5,700,000
3	Complete easement purchase for Burcham/Wheeler Flat	\$1,400,000
4	Conduct East Walker/Bodie Pinyon-Juniper Treatment	\$503,000
5	Conduct Huntoon Valley/Swauger Pinyon Juniper Treatment	\$666,000
6	Initiate implementation of Aurora/Gregory Flat Pinyon-Juniper Treatment	\$1,200,000
7	Implement Wheeler Creek Restoration	\$150,000
8	Implement Rosaschi Ranch Brood Habitat Improvement	\$50,000
9	Implement Bald Mountain Pinyon-Juniper Treatment (Pine Nut PMU)	\$138,000
10	Implement cheatgrass control in proximity to Desert Cr. #2 lek	\$30,000
Total:		\$14,737,000

Pinyon/juniper treatments were selected from top projects identified in draft Conservation Planning Tool model approach.

Need exact list of projects that the 38M will be spent on.

Decision deadline Oct 28, 2014 - BiState decision.

Peter Coates - Uryun - 6/11/13
Report 9-2013

Exhibit #2

1 *Articles*

2

3 **Greater Sage-grouse Nest Predators in the Virginia Mountains of Northwestern Nevada**

4

5

6 **Zachary B. Lockyer, Peter S. Coates, Michael L. Casazza, Shawn Espinosa, David J.**

7 **Delehanty**

8

9 ***Z.B. Lockyer, D.J. Delehanty***

10 Department of Biological Sciences, Idaho State University, Pocatello, Idaho 83201

11 *Present address of Z.B. Lockyer:* Idaho Department of Fish and Game, 1345 Barton Rd.,

12 Pocatello, Idaho 83204

13

14 **P.S. Coates, M.L. Casazza**

15 United States Geological Survey, Western Ecological Research Center, 6924 Tremont Rd.,

16 Dixon, California 95620

17

18 ***S. Espinosa***

19 Nevada Department of Wildlife, Reno, Nevada 89512

20

21

Abstract

22 Greater sage-grouse (*Centrocercus urophasianus*; hereafter, sage-grouse) populations have
23 declined across their range due to the loss, degradation, and fragmentation of habitat. Habitat

24 alterations can lead not only to vegetative changes, but to shifts in animal behavior and predator
25 composition that may influence population vital rates such as nest success. For example,
26 common ravens (*Corvus corax*) are sage-grouse nest predators and raven abundance is positively
27 associated with human-caused habitat alterations. Because nest success is a central component to
28 sage-grouse population persistence, research that identifies factors influencing nest success will
29 better inform conservation efforts. We used videography to unequivocally identify sage-grouse
30 nest predators within the Virginia Mountains of northwestern Nevada, USA from 2009 – 2011
31 and used maximum likelihood to calculate daily probability of nest survival. In the Virginia
32 Mountains, fires, energy exploration, and other anthropogenic activities have altered historic
33 sage-grouse habitat. We monitored 71 sage-grouse nests during the study, placing video cameras
34 at 39 nests. Cumulative nest survival for all nests was 22.4 % (95% CI, 13.0% – 33.4%), a
35 survival rate that was significantly lower than other published results for sage-grouse in the Great
36 Basin. Depredation was the primary cause for nest failure in our study (82.5%), and common
37 ravens (*Corvus corax*) were the most frequent sage-grouse nest predator accounting for 46.7% of
38 nest depredations. We also successfully documented a suite of mammalian and reptilian species
39 depredating sage-grouse nests, including some predators never previously confirmed in the
40 literature to be sage-grouse nest predators (i.e., bobcat and weasel). Our results indicate that,
41 within the high elevation, disturbed habitat of the Virginia Mountains, sage-grouse nest success
42 may limit the sage-grouse population. We recommend that management actions for the Virginia
43 Mountains be designed to restore habitat to increase sage-grouse nest success and decrease
44 anthropogenic subsidies of ravens.
45 Keywords: *Centrocercus urophasianus*, common raven, nest survival, Nevada, sage-grouse,
46 video-monitoring

and the finding is to be published promptly in the Federal Register. If we find that substantial information was presented, we are required to promptly commence a review of the status of the species involved, if one has not already been initiated under our internal candidate assessment process.

The processing of this petition conforms with our Listing Priority Guidance published in the Federal Register on October 22, 1990 (64 FR 57114). The guidance clarifies the order in which we will process rulemakings. The highest priority is processing emergency listing rules for any species determined to face a significant and imminent risk to its well-being. Second priority is processing final determinations on proposed additions to the lists of endangered and threatened wildlife and plants. Third priority is processing new proposals to add species to the lists. The processing of administrative petition findings (petitions filed under section 4 of the Act) is the fourth priority. The processing of this 90-day petition finding is a fourth priority, and is being completed in accordance with the current Listing Priority Guidance.

We have made a 90-day finding on a petition to list the western sage grouse (*Centrocercus urophasianus phaeus*) in Washington. The petition, dated May 14, 1999, was submitted by the Northwest Ecosystem Alliance and the Biodiversity Legal Foundation, and was received by us on May 28, 1999. The petition requested the listing of western sage grouse in Washington as threatened or endangered. The letter clearly identified itself as a petition and contained the names, signatures, and addresses of the petitioners. Accompanying the petition was supporting information relating to the taxonomy, ecology, and past and present distribution of the species, as well as the threats faced by the western sage grouse in Washington.

The petitioners requested listing for the Washington population of western sage grouse and not the species range-wide. We consider this request appropriate because, although we do not base listing decisions on political subdivisions except international boundaries, we can consider a population of a vertebrate species or subspecies as a listable entity under the Act if the population is recognized as a distinct population segment (DPS) (61 FR 4722). We can also expand the scope of our review of petitions to the species range-wide, should expansion be appropriate based on our knowledge of the available information.

The information regarding the description and natural history of sage grouse, below, has been condensed from the following sources: Aldrich 1963, Johnsgard 1973, Connolly *et al.* 1988, Fischer *et al.* 1993, Drut 1994, Washington Department of Fish and Wildlife (WDFW) 1998, Washington Sage and Columbian Sage Grouse Workshop (WSCSGW) 1998 and 1998, and Schroeder *et al.* 1998a.

Sage grouse, also known as sage fowl, spine-tailed grouse, fool hen, cock-of-the-plains, and sage chicken, are gallinaceous (chicken-like, ground-nesting) birds, and are the largest North American grouse species. Adult males range in size from 68 to 78 centimeters (cm) (28 to 30 inches (in)) and weigh between 2 and 3 kilograms (kg) (4 and 7 pounds (lb)); adult females range in size from 45 to 58 cm (19 to 23 in) and weigh between 1 and 2 kg (2 and 4 lb). Males and females have dark grayish-brown body plumage with many small gray and white speckles, fleshy yellow combs over the eyes, long pointed tails, and dark-green toes. Males also have blackish chin and throat feathers, conspicuous phylloplumes (specialized erectile feathers) at the back of the head and neck, and white feathers around the neck and upper belly forming a ruff. During breeding displays, males also exhibit olive-green apteria (fleshy bare patches of skin) on their breasts.

Sage grouse depend on a variety of shrub steppe habitats throughout their life cycle, and are particularly tied to several species of sagebrush (*Artemisia* spp). Adult sage grouse rely on sagebrush throughout much of the year to provide roosting cover and food, and depend almost exclusively on sagebrush for food during the winter. If shrub cover is not available, they will roost in snow burrows. While average dispersal movements are generally less than 35-kilometers (km) (21 miles (mi)), sage grouse may disperse up to 180 km (100 mi) between seasonal use areas. Sage grouse also exhibit strong site fidelity (loyalty to a particular area), and are capable of dispersing over areas of unsuitable habitat.

A wide variety of forb (any herb plant that is not a grass) species are used as forage by adult sage grouse from spring to early fall, and hens require an abundance of forbs for pre-laying and nesting periods. An assortment of forb and insect species form important nutritional components for chicks during the early stages of development. Sage grouse typically seek out more mesic (moist) habitats that provide greater amounts of succulent forbs and insects during the summer and early fall. Winter habitat use varies based

upon snow accumulation and elevational gradients, and sage grouse likely choose winter habitats based upon forage availability.

During the spring breeding season, male sage grouse gather together and perform courtship displays on areas called leks, primarily during the morning hours just after dawn. Leks consist of patches of bare soil, short grass steppe, windswept ridges, exposed knolls, or other relatively open sites, and they are often surrounded by more dense shrub steppe cover, which is used for roosting or predator evasion during the breeding season. Leks range in size from less than 0.4 hectare (ha) (1 acre (ac)) to over 40 ha (100 ac), contain several to hundreds of males, and are usually situated in areas of high female use. Leks used over many consecutive years (historic leks) are typically larger than, and often surrounded by, smaller and less stable satellite leks. Males defend individual territories within leks and perform elaborate displays with their specialized plumage and vocalizations to attract females for mating. Relatively few, dominant males account for the majority of breeding on a given lek.

After mating, females may move a maximum distance of 36 km (22 mi) depending on the availability of suitable nesting habitat, and typically select nest sites under sagebrush cover. Nests are relatively simple and consist of scrapes on the ground, which are sometimes lined with feathers and vegetation. Clutch sizes range from 6 to 13 eggs, and nest success ranges from 10 to 63 percent. Chicks begin to fly at 2 to 3 weeks of age, and broods remain together for up to 12 weeks. High juvenile mortality occurs during nesting and the chicks' flightless stage, and is due primarily to predation or severe weather conditions. Shrub canopy and grass cover provide concealment for sage grouse nests and young, and may be critical for reproductive success.

Sage grouse typically live between 1 and 4 years and have an annual mortality rate of roughly 50 to 55 percent, with females generally having a higher survival rate than males. Up to 50 percent of all sage grouse mortality is caused by predation, from both avian (e.g., hawks, eagles, and ravens) and ground (e.g., coyotes, badgers, and ground squirrels) predators.

Prior to European expansion into western North America, sage grouse (*Centrocercus urophasianus*) were believed to occur in 16 States and 3 Canadian provinces (Schroeder *et al.* 1998a), although their historic status in Kansas and Arizona is unclear (Colorado Sage Grouse Working Group

C O M M E M O R A T I O N

On the 50th Anniversary of the
TAYLOR GRAZING ACT

the United States Department of the Interior and the
Bureau of Land Management recognize the contribution of

FRED M. FULLSTONE, JR.

for assisting and supporting the orderly use, improvement
and development of the Nevada public lands

JULY 26, 1984

DATE

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

[Signature]

STATE DIRECTOR

[Signature]

DISTRICT MANAGER

Exhibit #4

JUNE 28, 1934 JUNE 28, 1984

seemingly been abandoned.

Other known leks within the Nevada portion of this PMU exhibit intermittent activity. These leks are monitored during each breeding season, however, data for many of these leks are sparse. The potential that there are other undiscovered leks within this PMU is fairly high, especially within the upper elevations of the Pine Grove Hills. More intensive helicopter survey work scheduled in 2012 may lead to the discovery of these leks.

Desert Creek – Fales PMU Population Trend - California Portion. The Fales portion of the Desert Creek-Fales PMU is located in northern Mono County in the general vicinity of Sonora Junction near the intersection of Highways 395 and 108. The Fales breeding complex includes two active and two inactive trend leks located on Burcham and Wheeler Flats. In addition, one lek occurs on Jackass Flat located in the extreme northeast corner of Mono County near the CA-NV state line. Due to the remoteness and inaccessibility of the area, this lek was only monitored in 2003 and 2004.

Initial population monitoring efforts in the Fales area began in 1953 with the counting of Lek 1. Leks 2 and 3 were added to the survey in 1957 and Lek 4 in 1961. From 1953-1980, the average number of males counted on all four leks was 78 males (Figure 4). The high peak count during this same period was 205 males in 1963. Of these 205 males, nearly 50 percent were counted on Lek 1, located within 50 meters west of Highway 395. Annual male attendance on Lek 1 averaged 36 birds from 1957-1970; however, from 1971-1980, that use declined to an average of just 9 males. By 1981, grouse use of Lek 1 had ceased entirely and no birds have been observed on this lek since that time. From 1981-2011, after the disappearance of Lek 1, the average number of males counted within the Fales breeding complex was 27 birds. Lek 4 was last active in 2003 when one strutting male and 3 hens were observed. This lek became permanently inactive in 2006 when a home was built within 50 meters west of the lek. Recent peak male count data from the last decade suggests that although the Fales population is very small compared to historic levels, it has remained relatively stable.

5 females
= 1 male
Their model
5 x 205
= 1025
Total
Sagehen
at
Sonora
Junction
in 1963

Bodie PMU Population Trend. To date, a total of eight dependable long-term leks as well as numerous associated satellite grounds, have been identified in the Bodie PMU. The majority of these leks are located in the Bodie Hills east of Hwy 395;

Sage grouse need cattle and ranchers

By KERRY BENITZ
For the Capital Press

The ongoing debate concerning the possible Endangered Species Act listing of sage grouse brings to mind the issue of how do we, as a community, influence the decision so as to retain our property rights and the ability to continue in business?

We can argue that the drive to have an endangered species listing for the sage grouse has nothing to do with the bird but is only a method to place millions of western acres, both public and private, under nonresident control. This is not just an agricultural industry problem. If successful, this listing will completely change the way that those of us indigenous to the sagebrush desert will be able to conduct our lives. Make no mistake, to many in the opposition this is another battle in a war to once again remove the humans making their home in the open spaces of the western United States.

I believe that we should stick together, those creatures that actually live here. That means all of us, including the sage grouse. We, indigenous humans, are the native environmentalists. Who better to know the land and the creatures? Who would have more affinity for the high desert landscape? Why have we allowed the debate to frame those of us who have lived here for generations, as people who pilage and plunder nature? Why would the opinion of someone who has chosen to live elsewhere carry more weight than the facts presented by those of us that the decision actually affects?



Guest
comment
Kerry Benitz

To this end, we must come to the rescue of one of our own, the sage grouse. A listing of this bird and the actions that are proposed will only serve to increase the major threats. We must continue to bring the debate back to what is actually best for the sage grouse and force the opposition to prove how their proposed actions will increase the number of birds by limiting the major threats. These threats are wildfire, predation and loss of habitat. We have, in the sage cow, an ally that unknowingly fights an environment conducive to sage grouse.

Cattle and sage grouse do not compete for the resources. Rather, the cow provides a positive benefit for the grouse each time she takes a bite of grass. She is (1) Reducing the threat of wildfire by removing the fine fuel that carries the fires; (2) Providing cow dung that fosters insects; (3) The primary herbivore removing the coarse grasses which allows the delicate regrowth; and (4) She continues to provide the economic base that keeps the rancher on the land, both private and public. If indeed the goal is to increase the number of sage grouse, the cow is the best tool available.

Wildfire is the number one threat to the condition of the range and specifically the sage grouse. Not only does fire kill the birds, it destroys the habitat by removing the sage brush and opens up thousands of

acres to invasive plants. Well-managed grazing on these lands can go a long way toward controlling wildfire. There are thousands of acres in the West that have no cattle on them and many millions of acres that have a 50 percent or more reduction in the amount of grazing over the last 40 years. That being said, the sage grouse numbers have declined in conjunction with the reduction of cattle allowed on public land.

The production of manure, while sounding like what we often get from Washington, D.C., is important to provide a needed food source for the sage grouse. The cattle and the grouse end up using the same sources of water, which places the grouse in contact with what the cow has left behind. Actual entomology aside, a cow pie attracts insects which attract grouse. This is a plentiful food source during the dry times of the year.

All animals that eat grass prefer the young short grass in the spring or the regrowth later in the year. This includes cattle, deer, elk and sage grouse. In listening to the current debate, many people assume that grouse only eat sagebrush leaves. This is not the case. They also eat tiny forbs and regrowth. The cow is a primary grazer, meaning she can and will eat mature grass plants leaving them the regrow that season. This is a benefit to the rest of the system.

Perhaps the most important benefit the cow provides is an economic reason for a human to manage the land. This manager not only works to maintain and improve the land, he or she limits non-agricultural land development because the private ranch lands remain open working landscapes. With a rancher involved, Bureau of Land Management lands are managed by a businessman pay-
you for the privilege to be on containing fire watch, build and maintain water systems and control predators among the many other management duties that have a positive impact. The change to the land both private and public would be dramatic without an active, competent manager. What must also be understood is that the indigenous human is not an intruder to our high desert environment, but has been an intricate part of the environment for thousands of years.

An ESA listing of the sage grouse, while creating havoc in the rural West, will result in less sage grouse. Active management of the high desert by knowledgeable, competent, motivated, "native environmentalists" will provide an economic base for our rural communities and ensure that we can keep our beautiful, diverse, open West intact (and thriving?)

Kerry Benitz owns and operates ranches near Crane, Ore. He is passionate about increasing local control and preserving property rights.

remem-
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terested
orward

33 of the January 30 issue of the paper) the comments I wrote on behalf of the Beaverhead Outdoors Association on the state sage-grouse plan. I have sent them to Senator Brenden and Rep. Schwaserer but was unable to find an e-mail address for Mr. Stoneberg. All three have great points. Thank you for a great paper and all you do!

Steve Jennings
Email

a person can say something positive, he should not say anything at all. As far as his subscription renewal, I think your paper would be better off without his.
Have a good week.

Exhibit #7

Darrel Kisler
Warden, WA

Five sons... what riches!

Linda, I have five sons. Three are helping run our ranch. We also have a grandson working here, which is good!

When I was listening to our President, I didn't hear anything about agriculture. I wonder why? Maybe because they want cheap food as usual. So be it!

We sold our calves yesterday. They brought a real good price, but not in line with what we have to pay for tractors and trucks.

You folks are doing a good job out there! Keep up the good work. I read Pat's "As I See It" and "Bill's Warbag" first. Then I let my sons read it.

Ed Miller
Spearfish, SD

Sage hen letter



THURSDAY, FEBRUARY 6, 2014 • 350 Head Sold

Cows and bulls very strong. Very few feeders on the market. Good action here on the 20th. Thank you for your business!

112.50	Robert Stevenson	Hobson	9 Bk	1,331	100.00
108.50	Brad Dorvall	Bridger	4 Bk	1,312	99.00
108.50	Thompson Cattle Co	Bilfings	1 Bk	1,571	98.50
102.00	Mike Wiggs	Columbus	1 Rad	1,368	87.00
HEIFERS					
104.50	Mike Grewell	Joliet	14 Bk	504	190.00
104.00	Randy Brusett	Jordan	18 Bk	570	188.00
101.00	Victor Small	Lame Deer	11 Bk/bw	570	181.00
101.00	Melwyn Wamboldt	Denver	4 Bk	607	173.00
100.00	Randy Brusett	Jordan	15 Bk	644	196.50
100.00	Roberta Stevenson	Hobson	8 Bk	1,063	134.00

D - BRING 'EM TO BLS!

LES THIS WEEK
's Pioneer Market

THURSDAY, FEBRUARY 20

FEEDER SPECIAL

with All Class Cattle Sale
and Northern Livestock
Internet Auction
Expecting 1,800 Head



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BIG FEBRUARY HORSE SALE

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LOOSE HORSES SELL AT
9 A.M. SUNDAY, FEBRUARY 23
Bring your loose horses anytime
throughout the week and weekend
to sell to our large
loose horse buying crowd.

information or to consign, call:

Y (406) 698-4783

Dan (406) 671-7715

SALE SCHEDULE

Sat/Sun, Mar 22/23	March Horse Sale
Thurs, Mar 27	All Class Cattle Sale (8:00 am Start)
Thurs, Apr 3	Annual Spring NILE Cattle Special
Thurs, Apr 10	All Class Cattle Sale
Thurs, Apr 17	Early Grass Feeder & Stock Cow/Pair Special w/All Class Cattle Sale & Northern Internet Auction
Thurs, Apr 24	All Class Cattle Sale
Sat/Sun, Apr 26/27	April Horse Sale

The MAIN reason...

To the Five-Star Editor! I missed the meeting on the sage chickens on the 29th. But I do have an opinion on what has happened to the numbers. Of course we have the farming, livestock, loss of sagebrush, drilling for oil and gas, plus human movement into subdivisions, all of which I think plays only a MINOR cause of the decrease in numbers.

I think the main reason is the increase of predators, both on the ground (four-legged ones) and of course the birds. We have all of the eagles, falcons, and more crows and ravens than I have ever seen before. They eat the eggs, and I am sure this has been discussed and debated somewhat.

Going back in history in Powder River and Carter counties when Montana had a great number of sheep, we had a high rate of predator control. With 1080 poison, trapping, and aerial control, sage chickens were most everywhere. In fact, I know in those two counties that it was a hunter's paradise for all the birds and game animals. Now that the sheep numbers are just over 200,000 in the whole state, we have not been controlling the predators like we used to, and we now have what we have. Eggs are easy to find, and of course, live sage chickens are quite tasty to the predators.

I have thoughts on the wolf situation also. First of all, it was illegal because the Canada wolf was not what we had. Secondly, it was an idiot idea put together by a bunch of idiots. Look at the cost and damage it has done to the state they brought them into. It scattered the elk carrying brucellosis to the cattle all over several states.

Buffalo, one sentence on this subject: Have the Livestock Commission, FWP, and Park Service check with the Custer Park in South Dakota on how they handle their buffalo as it really works.

I hope this will in some way open eyes on the above subjects.

ASAP (Always Say A Prayer!)

Willard L. Moore
Columbus, MT

Editor's note: Whoop whoop! Five-star editor? Oh that's the nicest thing anybody has called me in a long time! Maybe I'll get a name tag saying "Linda Grosskopf, Five-Star Editor of WAR, Five-Star Paper"... how would that be? LG

NO FARMS-NO FOOD

Linda, I thought you might be interested in the letter and bumper sticker we received in the mail from the American Farmland Trust. The bumper sticker is like the NO FARMS-NO FOOD sticker mention in the January 16 issue of WAR. The address for American Farmland Trust

WES LERN ...
Thursday Feb. 13, 2014

FRED FULSTONE, JR.
MARIANNE F. LEINASSAR
Phone: 775-485-2381
Fax: 775-485-1200

F.I.N. CORP.
Farming and Livestock

P.O. BOX 12
SMITH, NEVADA 89420



**PRESENTATION BY FRED FULSTONE
SAGEBRUSH ECOSYSTEM COUNCIL
September 12, 2013**

The biggest problem with the sage hen today is that we have had unproductive and unsuccessful sage hen management by the Fish and Game biologists since about 1980. Sage hen numbers started going down when agency biologist numbers started going up.

From 1950 to 1980 we had thousands and thousands of sage hen along with other wildlife. That was due to the very successful predator programs. During those years since 1980 the Fish and Game took in monstrous amounts of money from the hunters, but did not put it back to sage hen and deer management. They just kept issuing permits to make money instead of slowing the hunting permits to protect the sage hen. This was the same with the deer.

Now all of a sudden Fish and Game says there are no sage hens and we have to list the sage grouse under the ESA. They claim domestic livestock has caused the problem.

Fish and Game people don't remember that from 1950 to 1980 we had 10 times more domestic sheep and nearly twice as many cattle on the range. These were the years we had a very effective predator program. At the same time we had the greatest numbers of all wildlife, sage hens included, than at any other time in our history.

I was at the sage grouse EOC meeting in Reno on Sept 5, 2013. They have prepared a budget of about \$45 MILLION but they did not have any money posted for predator control or for wild horse control in spite of the fact that those two are the most important items for helping the sage grouse.

Senator Harry Reid has put up \$7MILLION which he stated must be used for habitat and predator control and the EOC committee did not include the money for predator control in their budget.

The most important items to help the sage grouse today, if having more sage grouse is the goal, are the following:

1. Predator Control including more trappers
2. Wild Horse control in accordance with the Wild Horses and Burros Act
3. Improve water sources
4. More grazing by sheep
5. Hope for rain
6. Don't list them

Predator control has traditionally been funded by the ranchers for the benefit of livestock production but that also benefitted the wildlife populations. In about 1926 government funded trapping programs were started using money from producers. One direct result of reduced predator populations was an abundance of sage hens, mule deer, bighorn sheep, and other wildlife all of which was funded by agricultural producers. State and Federal trappers (Wildlife Services) have been cut by over one half in the past few years. In the past month our Lyon County (Smith Valley) trapper has been laid off for one month on account of the sequestration. Loss of the government trappers has directly hurt the sage hen. Now trapping by anyone has been outlawed in California which removes the most effective control for coyotes. There has been no government trapping or aerial gunning in Mono County for about 10 years. That means that the sage hens in the Bodie Hills are only protected by the predator control that is carried out by the ranchers while we are grazing there and any private citizens who hunt coyotes. If the goal of this committee is to have more sage grouse then this committee must endorse predator control that is more systematic and that occurs throughout the year.

Wild horses protected by the Wild Horses and Burros Act have just about annihilated the vegetation in two of my allotments. There are about 500 wild horses under BLM management and they are on the allotments every month of the year. That is the equivalent of grazing 4,000 sheep for 12 months even though the BLM management only allows 2,000 sheep for two months in these areas. Horses are not kept at thriving natural ecological balance in accordance with the law and everything including wildlife suffers.

Water developments by ranchers have directly benefitted wildlife throughout the west. Recent years have included drought and about ¾ of the streams have dried up in our area. Constructed water developments are more important than ever for both livestock and wildlife.

Every indication is that the vegetative component of sage grouse habitat is more than ample, even abundant, on upland areas. Those upland areas are the winter habitats of sage hens and are mostly found on federally controlled lands. Our ranges include large areas of black sagebrush and low sagebrush that clearly are more vigorous and productive in the locations where we graze our sheep. However the summer habitats of sage hen broods depend on meadow areas, many of which are on private lands and are the product of irrigation by the owners. Drought has reduced our ability to

irrigate and water consumed by Pinyon-Juniper and Willows has made the effects of drought much worse. Control of Pinyon-Juniper on the uplands is already proposed and is a very good idea. Control of riparian species such as willows is also needed to protect the sage hen summer habitat --- the meadows.

Our allotments in the Bodie Hills provide examples of how sheep benefit the sage grouse habitat. Our sheep browse some of the sagebrush which stimulates a given bush to be more productive. Our sheep also graze the meadows each spring and more on to higher elevations in May or June which leaves the grazed meadows in ideal condition for the sage grouse broods.

Originally the ranchers built their own range improvements. When the Forest Service and BLM came into existence a system of paying grazing fees to the agencies was developed so half of the fees were placed in a trust account for range development such as water sources and one quarter was given to the states for the same purpose. These range improvement funds are a portion of the fees paid by the ranchers and specified by law for construction of range improvements but I have not seen any of the legally required range improvements in the last twenty years. That money has now accumulated in agency controlled trust funds and should be available for range development projects that will greatly help the sage hen.

Once the sage grouse are listed the US Forest Service and BLM will say they can only do those things that the US Fish and Wildlife Service and State Fish and Game give them permission to do. History of ESA regulations show us that the first thing the agencies will decide is to prohibit grazing in the name of critical habitat or some other excuse. ESA regulations will always be written in such a way that private enterprise becomes impossible even if the regulation harms the very species they claim to protect.

The agencies are predictable. First they will have consultation and that will include the livestock permittee on the basis that the ESA requires a federal applicant to be included in the consultation. The process is followed at a great cost of time and money to both the ranch and the taxpayers. Consultation will result in the Forest Service and BLM being forced by the USFWS to apply very strict regulations on grazing --- no grazing will be allowed in some areas.

Next the USFWS will hire sage grouse science experts who will work closely with the agency while they claim to be independent or even objective. They will claim to have conducted scientific experiments that prove that grazing is "problematic" for the sage grouse. Then the USFWS will be able to say that their experts have provided the best available scientific data.

At this time alleged experts funded by the US Department of Interior are conducting sage grouse studies and claiming to follow the ethical standards of scientific investigation. The problem for Nevada is that these people work for the federal agencies and the biographical statements of these experts indicate their bias against

most productive uses of rangelands including grazing. In other words the USFWS is accumulating data that gives the appearance of scientific support for their documents. They appear to be limiting reports to only that data that supports the federal agencies goals. Their work is being completed by scientists who have a vested interest in justifying their jobs in budgets far into the future by making sure the sage grouse is listed under ESA; those include both federal and Nevada employees. This Sagebrush Council, with its duty to represent the State of Nevada, has failed to obtain our own set of data that would very likely contradict the federal agency stories.

Please advise the Governor that we need independent research, independent analysis and comparison of sage grouse nuclear DNA from both the bi-state sage hens and from the greater sage grouse populations, and independent review and analysis of such material as USGS DNA analysis and agency model design. If our Governor is going to be able to defend Nevada from federal agency regulations that must start with the State having claim to the best available scientific and commercial data.

I was involved with the listed Sierra Nevada Bighorn Sheep and this same process was applied under ESA. My ranch lost the use of five grazing allotments and no longer can graze over 5,000 sheep which harms my family greatly. This SNBS program has cost the taxpayers hundreds of Millions of Dollars so far and the federal government will probably spend over one Billion dollars soon. Mono County lost the revenues and prosperity produced by some 25,000 sheep in the Mono Basin.

I lost my ranges that provided forage from 100,000 acres. Over the past 70 years I have constructed the range improvements and infrastructure that has benefitted livestock, wildlife, and recreation alike at a personal cost of over \$1Million. As of now, due to the ESA regulation my business and my Million Dollar investment have both been taken away by the government.

ESA regulation has cost everyone a lot of money and caused problems throughout several communities but did not result in more bighorn sheep. Today there is only a fraction of the number of bighorn sheep that have been transplanted into the Sierras near Lee Vining California that are still alive.

Scientist and agency people can say anything they want to say and everybody is supposed to believe them.

There is a lot of faulty science put forth by agencies that is selected to justify the end results that they want.

I would hope that this Sagebrush Council would study this sage grouse situation and recommend a solution that is fair to grazing, mining, and all concerned.

Wacko environmentalists and other special interests are using the ESA to get control of our land, water, and minerals; there is no evidence that they care one bit about

the sage grouse. Our local agencies are getting their directions from Washington D.C.

The livestock industry is a dominant component in this whole sage grouse issue that has now taken on the characteristics of a crisis. I think that livestock producers should be included in all the plans at this time and all the plans should include safe guards to keep our livestock operations intact.

As producers we should be aware of what is happening every day and be able to respond. Agency biologists have said that facts can only come from their style of scientific investigation as driven by the policies of their employers. As a producer I have been told by agency officials that my direct observations of sage hens are not factual because the very things I have seen are not a product of a government experiment. In other words they quickly call ranchers liars when our observations contradict an agency position. Even in the face of this type of hostility every rancher, miner, and federal lands user must continue to speak up for the truth about sage hens.

My family owns a large ranch and livestock operation that is wholly dependent on forage from the adjoining BLM and US Forest Service allotments (see the enclosed map). Loss of a single portion of any allotment causes losses throughout our entire operation.

Please tell Governor Sandoval that the facts about sage grouse include the eye witness accounts of ranchers, sheep herders, and sportsmen who spend their time and live in the sage grouse habitats. What a citizen is willing to testify to under oath is just as factual as any form of data from scientific experiments. As discussed above, the reputation of ESA is one of faulty and often fraudulent statements that are called science because they justify the regulatory actions of the agencies. Only factual information based on dependable testimony and ethical scientific investigation should be allowed within the boundaries of the state of Nevada.

Fred Fulstone
F.I.M. Corporation
Smith, Nevada

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And just that quick, another hunting season has already begun. Although only taken a few days before printing this issue, I couldn't resist placing friend, Garth Jensen, on the cover of this September/October issue! Talk about doing it right. Garth's diligence in scouting was awesome, but his execution was even better! In fact, it was so good that his hunt was over just a few minutes into opening day. Garth...you look sharp all decked out in Max-1 camo, a little war paint, and a million dollar smile. I sure appreciate you writing your story on short, (one day), notice!

Are you as tired as I am with the political bureaucrats and messed up agencies that continue to squander and mismanage our resources? Take a look at page 23. Cecil Fredi, like many of us today, is also sick and tired of the way our state agencies are becoming more crooked each day. My rage about all of this has been going for a while now, but when a good friend sent in a copy of the Sacramento newspaper with a multiple page read about predators in Nevada, I was blown away! The contents of the article claimed that despite killing predators in Nevada for many years the mule deer populations are still dwindling. So, those dumb brainiacs came to the conclusion that predators are not the reason for the decline. In fact, the article stated that all those cute little critters were killed in vain. Oh yes they did! They said that millions of coyotes should have never been killed as "coyotes do not eat mule deer." What the hell is this world coming to.

I will tell you one funny story on the coyote subject before I quit. A story that will further explain the sheer ludicrousness of who and what is man-

aging our wildlife. Recently, we had an incredible trail camera photo submitted showing a coyote walking by the camera with a dead fawn in its mouth. The gentleman that got the photo was excited to show his local biologist this great shot. As he commented on it's rarity, he was shocked when the biologist replied, "Yeah, you're right, that is rare.....it's rare that a coyote will eat a fawn!" As is becoming more and more common from all of these dingbat biologists, he then went on to tell the gentleman who had gotten the photo, that predators have nothing to do with low fawn survival; "in fact," he said, "poor survival rates are related to poor habitat conditions." This comment literally makes my blood boil! At what point are these guys going to wake up and smell the rotting flesh of ungulates killed by lions, wolves, and coyotes!

In this issue I see a bunch of familiar faces, in fact several of these guys are good friends of mine. Without going through the entire list of names, I simply want to say thanks to each of you for sharing your stories with MuleyCrazy. I do, however, want to give a great shout out to page 43; a story written by Ron Hulse. Many of you may remember Ron's name as he worked with MuleyCrazy as the Advertising Director for several years. Ron and his wife, Cheryl, are dear friends of mine that have both worked hard to help with the success of MuleyCrazy Magazine. Still to this day, Ron is a great ambassador for us and I'm very glad I left that trail camera unlocked so Ron could sneak a peek of his buck...after all, that's what MuleyCrazy friends are for!

Nevada's Deer Herds...

The definition of fraud is to misrepresent the truth, to take money away from a person or persons. With that being said, that is exactly what it appears that the Nevada Department of Wildlife has been doing for decades to the deer hunters of the Silver State!

BY CECIL FREDI

Using statistics provided by the Nevada Department of Wildlife (NDOW), in 1988 there were 250,000 mule deer in Nevada. Today, NDOW's estimates are 105,000 deer, (although many qualified individuals believe that the real number is much lower). While one might be curious to know what has, or hasn't happened during the past 23 years to cause such a drastic decline in deer numbers...the more important question is what exactly is being done to fix the problem?



Currently, a reputable outside independent agency, (with two PH.Ds on staff), is doing a study on the overwhelming decline of deer in Nevada. This project has had many setbacks; among them, NDOW refused to provide them with the deer data they needed to do their study. In fact, it took the Wildlife Commission, (Jim Gibbons' good appointees), using the freedom of information act, on two separate occasions, to obtain the needed information. Why was this necessary? What are they hiding? What is NDOW afraid of? If they were doing their jobs, and not cooking the books on deer numbers, they should have nothing to hide, right? In fact, one

would think that they would welcome and help this review so that they can put all of the speculation to rest.

But NDOW, and specifically director Ken Mayer, have been anything but helpful. Truth be told, because of their stonewalling, the project has been set back over a year. And as if that wasn't bad enough, being uncooperative isn't the only tactic that NDOW and their associates are opposed to playing. At a recent Wildlife Commission meeting, Paul Dixon—Chairman of Clark County Advisory Board to Manage Wildlife, threatened to sue the independent contractor if there was anything negative

stated in their study about NDOW's science. Apparently, Mr. Dixon doesn't care about the truth and he isn't opposed to using scare tactics to prevent it from coming about!

- You Can't Handle The Truth -

For over two decades, NDOW has used 15 different excuses for Nevada's mule deer decline. Although some of them have shown merit, others have been nearly laughable. But currently, the number one excuse that NDOW is using is habitat. And why wouldn't they choose such a broad spectrum to blame for the plight of mule deer...it can be used for several more decades, or at least until their retirements kick in.

In all honesty, I do not disagree that habitat is a very key component in the recovery of Nevada's mule deer. In fact, I think you would be hard-pressed to find anyone to argue that fact. However, it certainly is not the one and only factor responsible for such a huge deficit. In fact, it seems hard to blame only habitat when both elk and deer occupy the same areas, but elk numbers have increased dramatically during the same time that deer numbers have drastically declined. So again, let me reiterate that while I whole-heartedly agree that

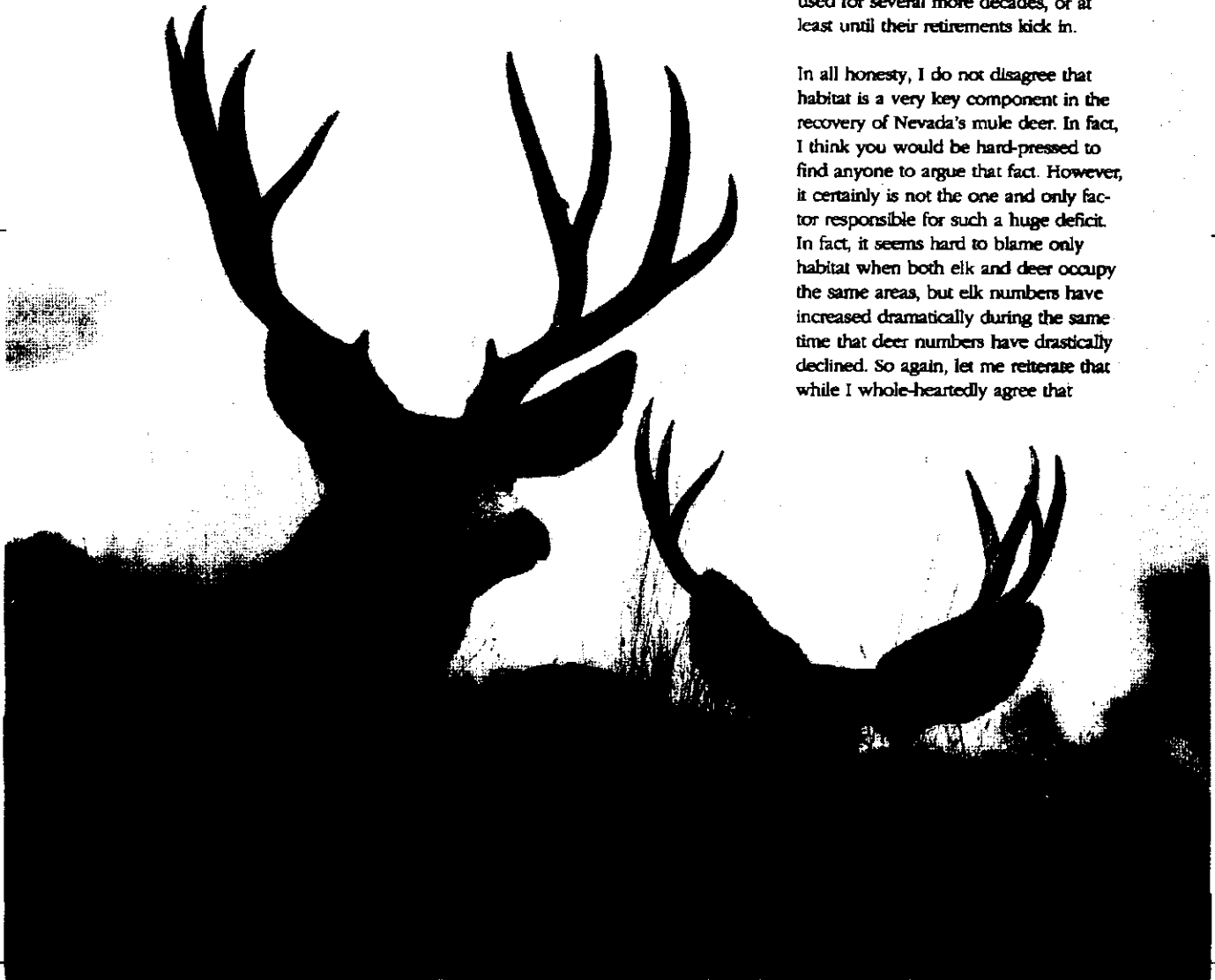




Photo - Insetted On The Website

So just how bad is the lion problem in Nevada? In hunt unit 014, which is one of the smallest units in the state, Wildlife Services removed 40 mountain lions in three years, roughly equating to 480 deer and/or bighorn sheep still alive and kicking because of this action!

habitat is extremely crucial in sustaining and growing a strong and healthy number of deer...the loss of habitat is a far cry from the real reason why Nevada's deer herds continue to plummet in number. The truth of the matter is that this decline stems more from the fact that the icon of the West—mule deer, are the main food source for the predator of the West—the mountain lion.

Most biologists believe, (but not NDOWs), that a lion will eat a deer a week. However, NDOW refuses to acknowledge that Nevada even has a predator problem! You might be shocked to learn that it took two sportsmen's organizations—Hunters Alert and Nevada Hunters Association—to get a bill passed in 2001 in order to fund predator control. But that is not the only news flash...you will be further shocked to learn that this work was done by Wildlife Services, as NDOW has stated that they are not going to, and never has done, any predator control work!

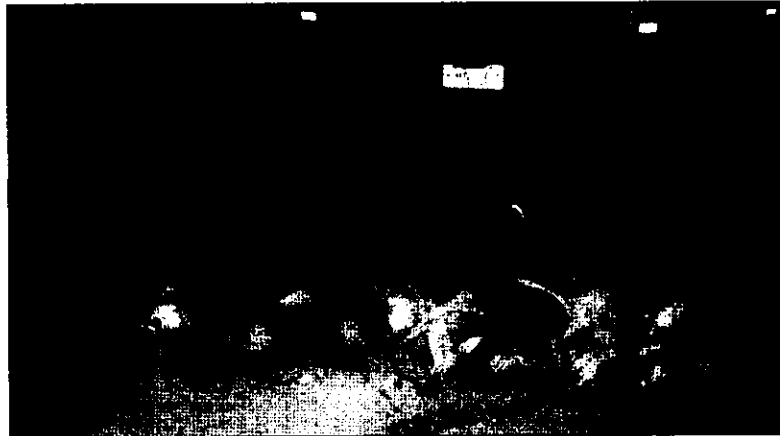
Heritage Funds are generated from the auctioning of big game tags. This amounts to about \$400,000 a year. This money is to be used for enhancement of game birds, game animals, and game fish. One provision of this statute is that the money can be used "for the man-

agement and control of predatory wildlife in the state of Nevada". The Wildlife commissioners, not NDOW, select the projects to be funded. For years, NDOW's top request, (i.e. spending the most money), was for transplanting bighorn sheep. NDOW believes it is more important to focus on the 280 people who hunt sheep than on the 51,011 hunters who used to hunt deer. The use of Heritage Funds for predator control work was never considered until

Jim Gibbons appointed commissioners who recognized its importance in saving the deer herds as well as other species.

These Wildlife Commissioners then approved three predator control projects. One of which was submitted by 'Hunter's Alert' for mule deer restoration. Pat Laughlin, of 'Nevada Alliance 4 Wildlife', submitted a proposal for mule deer enhancement and sage grouse recovery. Mike Stremler, a rancher and lion hunter, submitted a proposal for deer enhancement by removing lions in a particular area. The only way NDOW would approve Stremler's proposal was if it was done as a research project. During Stremler's initial presentation, director Ken Mayer, stated that his biologists told him there were no lions in the Stillwater Mountain area. Well, it didn't take long at all for Stremler to take one lion and he was even quicker to report that there were six others. Stremler's total in a little over a one-year period, was the removal of eleven lions and there are at least three more in that area...all of this in a 12 mile radius!

In the course of one week, 139 coyotes were removed in unit 031 on the Hunter's Alert project with this money. Pat Laughlin's project was



In the course of one week, 139 coyotes were removed in unit 031 on a project that Hunter's Alert submitted. Even more amazing was the Nevada Alliance 4 Wildlife project which killed 239 coyotes in less than three days in Elko County! All the coyotes removed were in wintering deer areas and many were shot off freshly killed deer. Amazingly, NDOW stands firm in it's belief that the Silver State does not have a predator problem!

responsible for removing 239 coyotes in less than three days in Elko County. All the coyotes removed were in wintering deer areas and many were shot off a freshly killed deer. Director Mayer fought against all of these proposals. Now I ask you...does this sound like someone who wants to enhance game birds and animals? These initial predator control programs with Heritage Fund money were extremely effective! Sadly, however, it has been made very clear that with Governor Sandoval's Wildlife Commissioners, this money will never again be used for predator control.

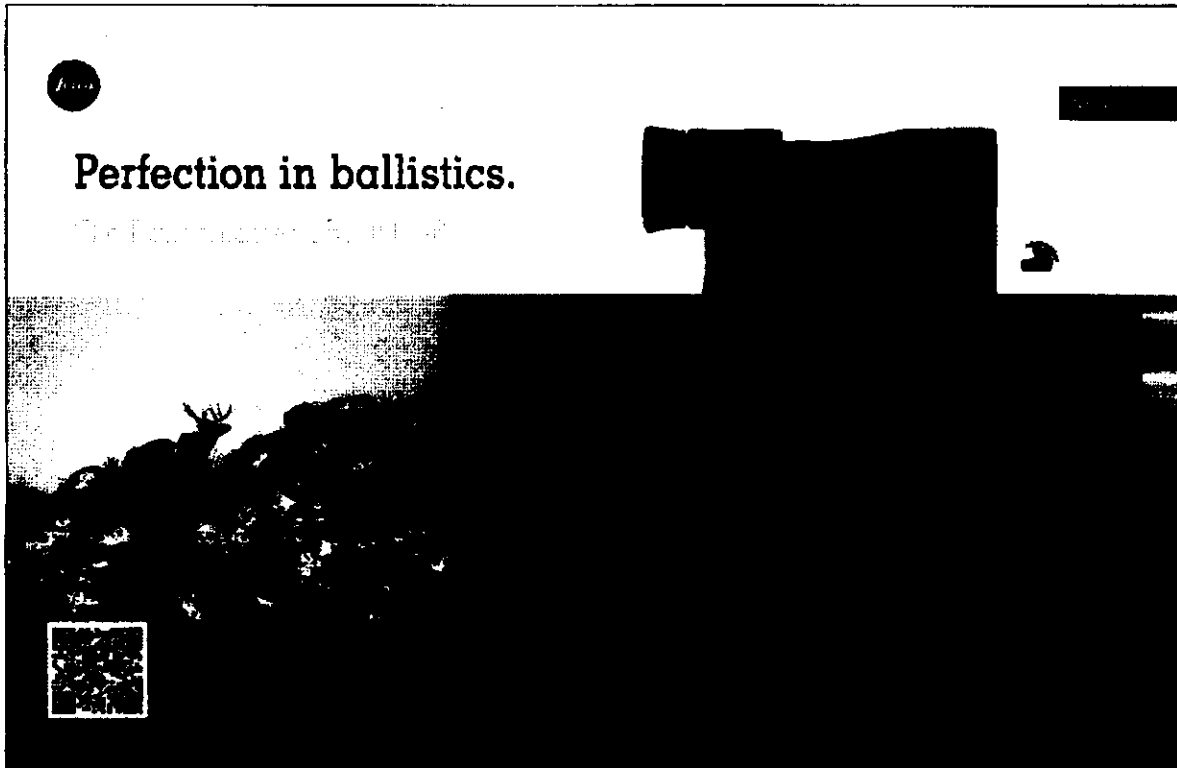
- The Root of All Evil -

Okay, so let's prove why NDOW Director, Ken Mayer, and Governor Sandoval's appointments to the Wildlife Commission led by Chairman, Mike McBeath, will not do anything about not only deer, but all big game of the Silver State.

In August of 2008, the wolf was declared a big game animal in the state of Nevada. This was done by Governor Kenny Guinn's appointees led by Wildlife Commission chairman, Clint Bentley, and NDOW director, Ken Mayer. Now, most everyone knows that the re-introduction of wolves in Idaho, Montana, and Wyoming, has nearly decimated their big game herds. In fact, one area in Idaho has lost 90% of its elk because of wolves. Having said that, it is safe to say that most sportsmen view wolves as anything but healthy to our western big game populations. Feeling the same way, Jim Gibbons' good Wildlife Commissioners, (6 of 9), instructed Ken Mayer that if there was never any evidence of wolf packs in Nevada, the wolf was to be deleted from the big game animal classification. Ken Mayer refused to do this and at the December 3rd, 2011 Wildlife Commission meeting, led by Chairman, Mike McBeath, the Commission voted to keep the wolf as a big game animal.

Currently, the wolf is a federally protected species. However, at some point, the control of wolves will be the right of each state. If proven that there were no wolves in Nevada, it could then be classified as an unprotected predator.

As an example to how detrimental Director Mayer's and the Commission's action have the potential to being, let me give you a little history about the black bear in Nevada. In 1929, the black bear in Nevada was classified as a big game animal. But it was not until 2011, 82 years later, that a season and quota was set. All of this, of course, was under the objection of Director Mayer. Judging from this past history, it is apparent that there will never be a season set on wolves...that is until all species of big game have been depleted in Nevada. With leadership like this, not only will the deer never return, but like other states, all big game will be decimated. When this occurs, be sure to thank Clint Bentley, Ken Mayer, Mike McBeath, and



the rest of Governor Sandoval's appointees to the commission.

Wildlife Commissioner, Scott Raine, worked long and hard on a new Mule Deer Management Guidelines, (Policy 28). It was a 13-point program necessary to preserve, protect, manage, and restore wildlife and its habitat. The committee was composed of people like Cliff Gardner and John Carpenter who had witnessed the Ruby Valley deer migration which numbered in the thousands in the 1950s and 1960s. (Sadly, today the migrations are all but gone because there are no deer.) At the December 2011 meeting, led by Chairman McBeath and Director Mayer, the complete policy was deleted. So much for deer restoration in the Silver State.

When former governor, Jim Gibbons, hired Ken Mayer, he instructed the new director to implement one of his major objectives, to bring back Nevada's mule deer. After doing nothing for four years about this serious problem, Gibbons fired him. Mayer obviously had no intention of doing anything about the mule deer problem. For decades, NDOW has been a bighorn sheep oriented agency. With the reappointment of Mayer and the newly appointed commissioners by Governor Sandoval, it will return to a sheep only wildlife agency. Deer enhancement will never be considered.

~ Doomed For Failure ~

In summary, I feel that there are three reasons why Nevada's deer will never return. 1) Director Ken Mayer has no interest in doing anything about the mule deer. This has been proven by his first four years of doing nothing; 2) It will take some serious predator control to reduce lions and coyotes. This is not going to happen with Governor Sandoval's Wildlife Commission appointees and Ken Mayer's past performance on predator control; 3) NDOW has over-inflated deer numbers so badly that the deer really have no legitimate chance at recovery. How can you manage anything in the right direc-



The sad reality is that it doesn't matter how big of a predator problem Nevada has, it doesn't matter how poor the habitat is, in fact, it doesn't really matter what the negative factors are. In the end, it comes down to a deep-rooted corruption within the ranks of NDOW, that will continue to suppress one of Nevada's most precious and valued big game resources...the mule deer!

tion, when it is made up of speculative and bogus data?

When the initial findings from the independent study are released, a peer review should be initiated. The collected data should be sent to many specialists for their findings, akin to a doctor's second or third opinion. Rest assured that Ken Mayer will fight all of this. However, if by the grace of God, there happens to be a peer review, and the results prove that NDOW has inflated deer numbers, then heads should definitely start to roll. Start at the top with Director Mayer and go right on down to all of the biologists who have been providing the bogus information for decades. Fraud is a serious charge and when it is a multi-million dollar fraud, it deserves serious attention. But when it goes on for decades it is shameful and inexcusable. Someone needs to be held accountable.

At the February 2007 Wildlife Commission meeting, I was there to testify about another audit that NDOW had

failed. During this time, then Chairman, Chris McKenzie, asked me what I wanted. I answered him direct by stating that I wanted two things...keep the corruption out of NDOW and bring back our deer. Five years later, NDOW has proven they can't do either.

Editor's Notes:

Cecil Predt is president of HUNTER'S ALERT and has lived in Las Vegas for 69 years. He created HUNTER'S ALERT 23 years ago with the intent to aware hunters and sportsmen of the corruption and misuse of the public's resources and funding by the Nevada Department of Wildlife. From exposing fraudulent and abusive actions on how NDOW has conducted their tag draws, to sponsoring bills to audit NDOW funding, HUNTER'S ALERT has been, and will continue to be, dedicated to keeping the sportsman informed of factual information regarding unjust management of wildlife and money trails from organizations. For more info, go to www.huntersalert.org.

May 2012

The Trapline

United States Department of
Agriculture

Animal & Plant Health
Inspection Service

Wildlife Services



Cooperating with:

Nevada

Department of Agriculture

Division of Resource Protection



Mission Statement

The Nevada Wildlife Services Program (WS) is a collaborative program involving the Nevada Department of Agriculture's Division of Resource Protection (State) and the USDA-APHIS-Wildlife Services Program (federal), whose mission is to protect agriculture, natural resources, property, and the human health and safety of the citizens of Nevada from the threat of injury, damage, or resource loss due to wildlife.

Introduction

During May, wildlife damage management work was conducted on an estimated 5.1 million acres of land under agreement. On these lands, WS personnel helped Nevada's farmers and ranchers protect over \$51 million in agricultural resources such as cattle, sheep, and livestock feed; and over \$48 million in natural resources. Additionally, WS assisted 201 persons and entities with technical assistance which involves providing information or equipment to cooperators so they can resolve problems themselves. Cooperators reported \$6,250 in damage and WS Specialists verified another \$3,600 in damage to other agricultural resources. These losses would be much higher without an effective wildlife damage management program. During May, coyotes accounted for \$13,600 in verified losses, mostly to livestock, and 286 coyotes were taken with a variety of management methods to resolve these and other ongoing complaints. WS routinely collects blood samples or oral swabs from species taken or handled during normal control activities for monitoring the presence of plague, avian influenza, and other diseases. In May, 118 samples were processed.


The following excerpts are a selection of activities and events of this program which occurred during the month of May, 2012.

Resource Protection


State Office

During May, 2012, the State Office trap loaning program checked out 9 cage traps. The species distribution for the traps loaned out were: raccoons (2), ground squirrels (3), striped skunks (1), wood rats (1) and marmots (2). Information regarding baits to use, trap placement tactics, handling of trapped animals and safety precautions to take when working with the wildlife species were provided for all equipment loaned.


East District



On May 1st, Wildlife Specialist (WS) Nathan Fowler confirmed the loss of two adult ewes and three yearling sheep to coyote predation. The value of the five sheep was placed at \$1,250. After providing technical assistance in the form of non lethal recommendations, WS Fowler set several pieces of equipment in an effort to stop the predation. WS Fowler also requested the assistance of the Elko plane. On May 2nd, the Elko plane responded to the location in northern Elko County. Two adult coyotes were removed as they fed on a yearling sheep they had just killed. Three additional coyotes were also removed near the kill site. WS Fowler removed two other coyotes utilizing ground equipment, bringing the damage to an end. The sheep producer was very pleased with the help provided by Wildlife Services.



On May 1st, WS Matt Spires confirmed the loss of four lambs to coyote predation. The lambs were valued at \$800. WS Spires and his well trained decoy dog were able to locate and remove two adult coyotes near the kill site. A necropsy of both coyotes revealed that they had lamb in their stomachs. Knowing that several other coyotes were involved in the predation, WS Spires requested the assistance of the Ely plane. On May 2nd, the Ely plane responded to the location in northern White Pine County, removing three additional adult coyotes near the kill site. WS Spires provided technical assistance in the form of non lethal recommendation to help prevent future predation issues. Many of the recommendation were already in place including: guard dogs, carcass removal and night penning. The sheep producer expressed his appreciation to the East District Supervisor for all the help provided by WS Spires and the Ely plane.



On May 4th, District Supervisor (DS) Joe Bennett received a call concerning a problem with ravens. A sheep producer west of Ely, NV reported that ravens had pecked the eyes out of four newborn lambs and injured several others. The value of the four dead lambs was placed at \$800. The producer reported that he had already exhausted several non lethal methods including carcass removal and harassment/hazing but was still experiencing damage. The sheep producer reported that he had just observed ten ravens kill a baby lamb before he could frighten the birds away. On Saturday, May 5th, DS Bennett traveled to the ranch and confirmed the damage. DS Bennett observed more than twenty ravens in the area. DS Bennett placed out eggs treated with DRC 1339. On Monday, May 7th, DS Bennett confirmed that all the treated eggs were gone and only observed two ravens in the area. The sheep producer was very pleased with the assistance provided by Wildlife Services. DS Bennett will continue to monitor the area for possible predation. Technical assistance in the form of more non lethal recommendations was also provided to the sheep producer.

On May 5th, Mountain Lion Specialist (MLS) Jim Buhler was contacted by a sheep producer in White Pine County concerning a problem with a

mountain lion. The producer reported that a lion had killed two ewe sheep and seven lambs, valued at \$1,900. MLS Buhler traveled to the location and confirmed that a lion had indeed killed the sheep. MLS Buhler utilized his well trained tracking hounds to remove an adult female lion that weighed about 90 pounds. MLS Buhler noted that the sheep producer was currently using more than a dozen guard dogs, night penning the sheep and utilizing six sheep herders but the lion still killed the sheep.

On May 10th, WS Mac Crome confirmed the loss of one lamb valued at \$200 to raven predation. WS Crome reported seeing several ravens attacking and harassing newborn lambs over the course of several days. On May 15th, WS Crome treated the location with hard boiled chicken eggs treated with DRC-1339. After conducting a pre and post treatment inspection, WS Crome estimated that 24 ravens had been removed, bringing an end to the damage. Before treating the area, WS Crome also provided technical assistance in the form of nonlethal recommendations. Many nonlethal techniques were already in place during the depredation including: carcass removal, herding and hazing of the ravens. No further losses have been reported.

On May 23rd, WS Scott Little was checking in with sheep herders in his assigned area when he was informed about a problem with coyotes. The herder reported that coyotes had killed several lambs on a remote mountain nearby. WS Little rode his horse into the location and confirmed the loss of the lambs, valued at \$800. WS Little used calling and his well trained coyote decoy dogs to remove two large adult coyotes. A necropsy of the coyotes confirmed that they both had lamb in their stomachs. No further losses have been reported from this band of sheep and the sheep producer was very pleased with the prompt response. WS Little's fast action no doubt saved the lives of many more lambs that would have been lost to these coyotes. Technical assistance in the form of nonlethal recommendations was also provided. Many of these non lethal recommendations including night penning and guard dogs, were already in use at the time of the losses.



WS Derril Fry had a very busy month of May. WS Fry received reports concerning the loss of 13 lambs valued at \$2,600, during the month. WS Fry was able to remove three adult coyotes and three dens near the location of the losses. WS Fry also assisted the Elko plane in the removal of several other coyotes near the kills, bringing the damage under control. WS Fry provided technical assistance in the form of non lethal recommendations to help prevent future predation issues from occurring.



During May, WS Virgil Fullerton was busy protecting several bands of sheep in his assigned area. Although no losses were reported, during the month, WS Fullerton was busy checking in with sheep herders and providing technical assistance in an effort to prevent predation from taking place. WS Fullerton's cooperators are very pleased with his hard work and dedication, which greatly reduce the losses in his assigned area.

May was a very busy month for both the Ely and the Elko planes. Both planes were instrumental in solving several predation issues on sheep that were lambing in their assigned areas. Without an ef-

fective aerial program, many producers have commented that they could not stay in the sheep business in eastern Nevada.

West District

On May 2nd, Pilot Wes Gossard and Crew Member (CM) Brandon VanderMay conducted aerial operations around several sheep producers in Washoe County. During the flight, a total of three coyotes were removed. WS Doug Koepke provided ground support during the aerial work.



On Saturday May 5th, WS Koepke received a call about a calf kill (valued at \$500) in Lyon County. WS Koepke inspected the ranch and removed three coyotes and placed equipment in the vicinity of the livestock damage. Upon equipment re-inspection, WS Koepke removed 10 coyotes with trail snares and shooting. No further livestock losses have occurred.

On May 8th, Pilot Gossard and CM VanderMay conducted aerial operations around several sheep bands in Lyon County. During the flight, a total of four coyotes were removed, including a pair that was taken in one pass. WS Nick Smith provided ground support.

During the week of May 7th thru May 11th, WS George Hansen spent the week trapping on eight sheep lamb bands and one goat band in Lander County. During the week, WS Hansen removed nine coyotes by utilizing leghold traps and also removed two coyote dens. WS Hansen will continue to provide livestock protection efforts in this area.



On May 14th, WS John Peter removed a 140 pound lion from hunt unit 031, with the use of a call box assisted snare. The lion was removed to protect mule deer; however the area was going to have two bands of domestic sheep in the same area, so the lion removal effort had dual benefits. WS Peter will continue to protect both mule deer and livestock in hunt unit 031.

On May 15th, Pilot Gossard and CM VanderMay conducted aerial operations around several sheep producers in Washoe County. During the flight, a total of six coyotes were removed. The aerial crew also located one coyote den and reported its location to WS Koepke.

On May 24th, Pilot Gossard and CM VanderMay conducted aerial operations on two lamb bands, in Humboldt County. During the flight, a total of eight coyotes were removed. The aerial crew also located two coyote dens for WS Peter who was providing ground support during the operation.

During the month of May, WS Smith was busy placing equipment around several different sheep producers, in Lyon County. WS Smith has been running his equipment by horseback into remote country. During the month, WS Smith removed 28 coyotes with a variety of methods. WS Smith has also assisted a rancher with a damming beaver complaint. WS Smith utilized snares and promptly removed seven beavers. WS Smith will continue to protect livestock in Lyon and Douglas County.



The West District has been busy throughout May, placing out DRC-1339 treated egg baits to target ravens around several sage grouse leks in Washoe and Humboldt Counties, as requested by the Nevada Department of Wildlife (NDOW). Nevada boasts a high population of ravens and the West District annually removes ravens to help with isolated sage grouse nesting locations. Sage grouse

chicks usually hatch out between the middle and end of May. In a mere two weeks after hatching, sage grouse chicks can fly.

During the week of May 21st thru May 25th, DS Jack Spencer received numerous calls about coyotes killing pets and acting aggressive toward citizens in the Reno/Sparks area. An NDOW game warden also recently reported problem coyotes. On Saturday May 26th, DS Spencer visited a location near a school where a pair of coyotes was starting to act aggressively around young school kids. DS Spencer released his decoy dog in the area and let out two voice howls and in five minutes removed a pair of coyotes utilizing shooting.

During the month of May, Staff Biologist (SB) Jack Sengl completed the NDOW Mason Valley project 23. The intent of the project was to protect wild pheasants, turkeys and their nests from being raided by nest predators: mainly ravens, coyotes, raccoons and skunks. To that end, SB Sengl removed an additional 12 coyotes, two striped skunks, one raccoon and one badger from the management area, with ground equipment.



On May 22nd, State Director (SD) Mark Jensen conducted a field inspection on SB Sengl while he was closing out NDOW project 23. Field inspections are a great way for Directors to stay in tune with their employees as well as what is happening out in the field. The assistance was greatly appreciated by SB Sengl.

During the month of May, Wildlife Biologist (WB) Bowers continued conducting a Wildlife Hazard Assessment (WHA) at a military installation in Northern NV. The WHA involves conducting structured surveys on the airfield and the surrounding area, as well as general observations. This data is collected for a 12 month period in order to determine seasonal and spatial trends of wildlife usage on the airfield and surrounding area. Once this is complete, recommendations can be made regarding species management, habitat alterations, and agricultural management practices. While conducting the assessment WB Bowers also participates in direct control of wildlife when necessary to minimize direct threats to aviation safety. During the reporting period, WB Bowers noticed sign of badgers on and around the airfield. As a result, one badger was removed from the area to reduce the threat of a badger versus aircraft incident. WB Bowers hopes to conduct some black-tail jackrabbit projects in the near future in order to reduce the attractiveness of the airfield to coyotes, badgers and red-tailed hawks.

Also during the month of May, a positive ID was received from the Smithsonian for a bird strike that occurred on a helicopter night op. WB Bowers had previously entered the strike into the safety system database and submitted a feather to the Smithsonian for possible identification. The feather was positively identified as a Vesper sparrow. This is very interesting information, as WB Bowers had not considered, or seen evidence of sparrows being a nocturnal group in the area.

During the month of May, WB Luke Barto continued protection efforts at a local airport, which included: trapping and translocation of a Red-tailed hawk; gull egg oiling at two different gull colonies that were impeding aviation safety; and predator prey base removal.

On May 29th, WB Barto assisted DS Bennett with sage-grouse protection between Austin and Fallon. DS Bennett has been conducting the work in the past, but he offered to hand the project over to WB Barto, providing him with excellent development and experience in the process. During the day, DRC-1339 treated egg baits were placed outside of the leks for the ravens, and WB Barto sight shot one badger that was on its way to the lek. WB Barto will close out this project the second week of June.

DRC-1339 treated egg baits were placed outside of the leks for the ravens, and WB Barto sight shot one badger that was on its way to the lek. WB Barto will close out this project the second week of June.

New and Developing Methods

Nothing to Report.

Valuing and Investing in Employees

Nothing to Report.

Information and Communication

On May 1st, SD Jensen attended the Nevada Board of Agriculture meeting in Reno.

On May 16th, SD Jensen joined the FSA Administrator, as well as other USDA agency representative in Fallon, to present program overviews for various Tribal Chairs and Council members as well as local producers.

Emerging Trends/Issues

Nothing to Report.

Equal Employment Opportunity/Civil Rights (EEO/CR)

Nothing to Report.

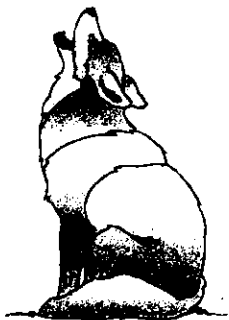
Future Meetings and Events

June 19th, N-1 Grazing Board Meeting in Elko. SD Jensen and DS Bennett to attend.

USDA APHIS



USDA-APHIS-WS
8775 Technology Way
Reno, NV 89521



Feds enforcing Endangered Species Act keep data behind policies hidden from public

BY MARK TAPSCOTT | FEBRUARY 3, 2014 AT 5:54 PM

Federal agencies administering the Endangered Species Act often issue justifications for their actions that are filled with badly flawed or even fabricated data, according to a congressional report being released today.

“Many reports and studies used to justify ESA decisions have been found to have mathematical errors, missing data, errors of omission, biased sampling, undocumented methods, simulated data in place of more accurate empirical data, discrepancies between reported results and data, inaccurate mapping, selective use of data, subjective interpretation of results, fabricated data substituted for missing data, and even no data at all,” according to the report of the 13-member ESA Working Group in the House of Representatives.

A related problem, according to the report, is that “most of the federal agencies that administer ESA are unable to make basic and legitimate data” underlying their policies and procedures available to the public, as required by law.

As a result, “the Obama administration is more frequently resorting to the use of executive orders and closed-door settlements on ESA,” the report said.

Closed-door settlements are imposed by courts to settle cases often involving environmental activists suing a federal agency, seeking to force the agency to take a particular action.

The ESA — approved in 1973 — is the main federal law designed to protect endangered species from manmade threats.

The recent revival of the bald eagle population across America after it nearly became extinct in the 1980s is likely the law's best-known success.

The group has been taking testimony and reviewing a variety of assessments by outside experts on the work of the Department of the Interior's Fish and Wildlife Service and the National Oceanic and Atmospheric Administration's National Marine Fisheries Service, the two federal agencies most concerned with ESA policy and enforcement.

Rep. Doc Hastings, R-Wash., and Rep. Cynthia Lummis, R-Wyo., lead the group. Hastings is chairman of the House Committee on Natural Resources. Lummis is a member of that committee and vice-chairwoman of the Congressional Western Caucus.

The report pointed to a decision last year in which the U.S. Court of Appeals for the Fourth Circuit ruled that a massive NMFS opinion “relied on a selection of data, tests and standards that did not always appear to be logical, obvious or even rational.”

The NMFS report was prepared for officials of the Environmental Protection Agency considering whether to ban or heavily regulate use of certain pesticides in order to protect salmon in the Pacific.

In another case, the FWS issued a decision in 2010 that relied upon a tax-funded study that was cited more than 60 times as justification for increased government regulation of private lands that are habitat for the Greater Sage-Grouse.

“Yet, the data used in the Garton study still has not been made publicly available. Another scientist’s written requests for the data have been refused,” the report said.

State and local authorities also often have difficulty obtaining the data or scientific studies underlying ESA decisions and policies.

The report said a group of Colorado counties questioned the accuracy of a FWS map to be used in determining sage grouse habitats in the state and asked to see the supporting data: “In more than one case, a court order has been required to obtain the data from federal officials, even though the data was obtained through taxpayer-funded studies.”

Hastings, Lummis and other members of the working group will discuss the report today in a morning news conference on Capitol Hill.

Other issues covered in the report include the growing use of litigation by activists to force federal actions, the dramatic increase in species listed, reforms designed to return ESA to efforts to help endangered species recover sufficiently to be removed from protected status and ensuring transparency and accountability in the measure’s administration by federal officials.

The report’s authors said “litigation and threats of litigation on both substantive and procedural grounds have significantly increased in recent years, and legitimate questions are being raised over petitions, listings, the rigid timeframes, and transparency of data supporting decisions regarding the priorities of the two agencies that administer ESA.”

The litigation has become so frequent that “the exact amount spent by American taxpayers on ESA litigation and attorneys’ fees is unattainable,” the report said. “Even the former Interior Secretary acknowledged at a 2012 budget hearing that he could not identify how much money his agency spent on ESA-related litigation.”

The ESA has not been amended by Congress since 1988. Only 2 percent of all species added to the endangered list since 1973 have recovered sufficiently to be removed.

OTHER VOICES:

Sage grouse needs private land

Duane Coombs

Tuesday, Dec. 24, 2013 | 2:03 a.m.

The fate of the cow and the sage grouse in the West are inescapably linked. The habitat needs of the grouse are the same as those of the cow. If we want to save the birds, the best strategy is to keep our ranches intact and working, not up for sale to developers or bankrupt.

The comment period for the U.S. Fish & Wildlife Service proposal to list the bi-state population of sage grouse as a threatened species ends Feb. 10. Those are the birds on the California-Nevada border that are considered separately from the greater sage grouse in 11 Western states.

Listing the birds under the Endangered Species Act would be a disaster. Don't get me wrong. Sage grouse are in trouble from their habitat being broken up. The birds, like ranchers, need lots of elbow room. Put up houses and build roads and they're gone. Allow juniper and pinyon trees to invade the sagebrush and the birds vanish, too. They like treeless, see-forever range with plentiful native bunchgrass and sagebrush. So do I.

But here's the problem. A listing could well have the opposite result from its intended purpose to help the bird, throwing our ranch economies into a tailspin and sending the sage grouse spiraling toward extinction.

The alternative to an ESA listing is brilliantly simple, but I bet most people don't even know the solution is right in front of their noses. For the past decade, ranchers and others from all walks of life collaborated with agencies to identify threats and then reduce or eliminate them. Agriculture and other conservation partners invested tens of millions of dollars over the past three years to conserve and enhance private land strongholds for the grouse. It's the 2012 bi-state action plan for sage grouse. Yep, a plan that works.

Private lands you say? Who cares? After all, the bi-state bird habitat is 92 percent public land. But here's the clincher. That 8 percent of private ranch land tends to be water- and soil-rich. It makes sense. The early homesteaders picked the best spots, and those became private. Every summer, sage grouse broods head over from public lands to irrigated hayfields and pastures. Without these private lands associated with Western ranches, the birds just won't make it.

Some well-intentioned people might think if we stopped grazing the public lands, sage grouse will be fine. Not so, for many reasons. Here's a huge one. Public land leases are a vital part of many Western ranch operations; without them many of us wouldn't be able to make it financially on private lands alone. The only option is to sell the land for development. That would be a sad day for ranchers and sage grouse (along with many other critters), and for millions of people who rely on the water that ranches conserve for all of us.

I'd hate to see Smith Creek Ranch ever developed. I'm in Central Nevada, not the bi-state area, but I worry.

The sage grouse that fly up in a burst of wing power from our wet meadows are an important, valuable part of our life in the Great Basin. Words can't describe the sense of joy and satisfaction each time I am able to witness this special part of our environment. I'd be devastated to lose the birds and the ranch. The bi-state listing is a test case for what's ahead a year from now. That's when a decision will be made whether to list the sage grouse range-wide.

Let's get it right with the bi-state birds. We don't need complex special rules and exceptions to a threatened listing that pay lip service to our great bi-state plan. The government needs to recognize the stunning momentum and progress happening now. List the bird and you'll just knock the wind right out of the sails.

The sage grouse itself can teach us all a lesson. This bird flies across public and private lands and sees one landscape. The bird knows instinctively what Aldo Leopold coined as the land ethic.

We're all one community. Take care of the cows and the sage grouse across borders. Work together. Focus on what we agree on. Avoid burdensome regulations. If we do that, we can win the battle. Heck, it might not even be a battle if we roll up our sleeves, stop arguing, and get it done — voluntarily.

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