

**Presentation before the Governor's Sagebrush Ecosystem Council, by Cliff Gardner representing Rural Heritage Preservation Project, Oct. 27, 2014**

In 1986, the United States Forest Service, Tonopah District, passed its first Natural Recourse Conservation and Management Plan – as had been called for by the Public Lands Management and Policy Act of 1976. Hidden within the plan was a provision calling for a 45 percent utilization standard for riparian areas.

In effect, what the standard did was to place managers in a position whereby they could force livestock permittee's to remove their cattle from their allotments when no more than 10 percent of traditional use had been taken.

It was a coercive and corruptive rule. For it could be applied liberally or stringently - which it was - depending on whether or not a Permittee was to forgo challenging the government's usurpations or not.

Within months, the full weight of the action was being felt. Within the District, 27 of the original 33 allotments that had remained traditionally active on the Shoshone, Toiyabe, Touqima, Monitor and Hot Creek Mountains were closed to traditional users.

Simultaneously, as traditional users were being driven from their allotments, the Forest Service was filing claims of vested and federal water rights on every spring and creek known within the area. In total 624 claims of vested and federal water rights were filed.

The goal of those within the agency was obvious - eliminate the permittees and his claims of vested rights, and who other but the Forest Service is next in line to receive recognition of their claims.

And so it's been ever since. Law suits have been filed - but with today's convoluted system of appeals, delays and exorbitant costs, few issues have been resolved. Due- process, you can say, as understood by the founders of our nation, whereby rights to local self government, the right to be tried by one's peers, and rights to swift and timely justice were to be afforded, have now been stripped from the people.

And so, what has been learned now that some 40 years have passed? Have our uplands been made more productive over the last forty years? Are wildlife now thriving? Are our, riparian areas now in an ideal condition? Not in most instances they aren't. Sage grouse numbers are down, cottontail numbers are down, pigmy rabbits are now nearly non-existent, song birds are dwindling, and fisheries are deteriorating.

Perhaps the most grievous thing that has occurred however, is that which is occurring with regards to the loss of water production. All across the State, now that livestock use of our public lands has been reduced so dramatically, we are seeing creeks and springs, diminish, dry up, and go away.

The best examples being right here in central Nevada where the adversities of governmental actions were first applied. Take Stoneburger Creek as an example. Is it not true, that grazing reductions there

have resulted in such an increase in willow growth near and adjacent to the creek that water no longer flows from the mouth of the canyon any longer? Is it not true that the meadow lands that once existed on the Monitor Ranch are no longer irrigated, even on the best of years?

And too, how has the loss of yearly water flow effected sage grouse - and what has this done to the fisheries that once existed within the drainage?

And what of the scenario that has come about in the southern part of Monitor Valley relating to the Pine Creek Ranch and disputes over water? Is it not true that during court proceedings it was found that annual water production within seven drainages had declined by 62 percent between 1986 and 2003 because of ever increasing willow dominance with riparian zones? Could it be, that a similar thing is happening elsewhere now that livestock grazing has been reduced so dramatically across the State? And if so, how is it affecting fisheries, sage grouse and other wildlife statewide?

Is it not true, that in the years following the implementation of the 45 percent utilization standards on riparian areas within Forest Management units there in central Nevada (as is reported in George Gruell's book, *Nevada's Changing Wildlife Habitat*) between 1998 and 2008, sage grouse numbers decreased by more than 60 percent within the Shoshone and Toiyabe planning units of central Nevada?

Don't you think it's about time that this Council looked into matters such as this?