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For Immediate Release

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**DEL PAPA: LEGISLATURE MANDATES PROTECTION AND PRESERVATION
OF WILDLIFE - AG'S DUTY IS TO UPHOLD THAT LAW
IN CASE AGAINST NEVADA RANCHER**

Carson City -- Appearing before the Legislature's Public Lands Committee, Attorney General Frankie Sue Del Papa reminded its members that the Nevada Legislature has expressly declared the policy of the state to be the "preservation, protection, management and restoration of wildlife within the state." NRS 501.100(2)

General Del Papa was invited to appear before the committee to talk about the state's involvement in a case involving Monitor Valley rancher, Wayne Hage. Hage claims that ranchers have private property and water rights on public lands, and that grazing rights should supersede all other uses.

"Public lands belong to all Americans. The Forest Service and Nevada Department of Wildlife (NDOW) have charged Mr. Hage with excessive overgrazing and bad ranching practices. **This has resulted in the severe deterioration of the natural habitat,"** Del Papa told the committee. **"It has left Nevada's wildlife without enough food and shelter.** The overgrazing has also destroyed bushes and shrubs, which are the hiding places for animals such as deer, sage grouse, elk and antelope. It particularly exposes very young animals to predators."

Del Papa stated that because the Hage case involves the habitat and wildlife on Nevada's public lands, and concerns the ability of the state as sovereign to protect its wildlife, her office has the authority to become involved. Following a request from the Department of Wildlife, Del Papa agreed to provide legal representation as she is bound to provide by law. Because the state lacks the financial resources necessary to devote fully to the case, Del Papa retained the legal services of the National Wildlife Federation, which at this stage of the proceedings, shares common interests in the case with NDOW. The NWF agreed not to charge attorneys' fees and has waived any costs which it may incur.

"It is imperative to note that we have nothing against ranchers. I believe the livestock industry can be successfully tied to public lands in a way that preserves a healthy ecosystem," Del Papa said. "Poor ranching and grazing practices destroy the land for wildlife and cattle alike. As I've said before, the cows and wildlife eat off the same plate."

The Attorney General told the committee that if the court accepts Hage's theory of private interest in the public lands, Nevada's wildlife habitat is doomed, particularly in these times of severe drought. "Without effective livestock management on public lands, ranchers, hunters, wildlife and the public will be the big losers."



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June 30, 1992

Dear Friends:

I am enclosing a press release and a packet of information concerning an issue, which I believe will be of great interest to you and your members. I understand you publish a newsletter and thought you might want to include it.

If you have any questions or need additional information, please feel free to give me a call.

Sincerely,

A handwritten signature in cursive script that reads "Karen Korcheck".

Karen E. Korcheck
Executive Assistant/
Press Secretary

KEK:kh

enclosures

BACKGROUND ON HAGE CASE

It's been called "Sagebrush Rebellion II with a perilous twist," and if a federal Court of Claims suit currently pending in our nation's capital succeeds, Nevadans' right to use and enjoy publicly owned land could be lost and/or severely curtailed.

Nevada rancher, Wayne Hage, owner of the Pine Creek Ranch in Monitor Valley, believes that ranchers have private land and water rights on public land. The Forest Service says public land belongs to all Americans. It has charged Hage with excessively overgrazing and bad ranching practices, which have resulted in severe deterioration of the natural habitat, leaving wildlife without enough food and shelter. Cattle eat and trample bushes and shrubs, often the hiding places for wildlife such as deer, sage grouse, elk and antelope. This exposes especially the young wildlife to predators. One range conservation supervisor put it, "They follow the Columbus method of grazing: put them out in the spring and go discover them in the fall."

The management of wildlife is a partnership effort where ever there are large areas of federal land, such as Nevada. The state is responsible for the wildlife, while the federal agencies manage the habitat. In this case, the Nevada Department of Wildlife and the U.S. Forest Service have worked closely together for at least 15 years to maintain and improve the wildlife habitat in the area affected by Hage's operation.

Hage's attack on the Forest Service is tantamount to an attack on our state itself. The Nevada Legislature has expressly declared the policy of the state to be the "preservation, protection, management and restoration of the wildlife within the state." NRS 501.100(2).

Recently, a Washington group, the Center for the Defense of Free Enterprise, circulated a press release in support of Hage and mischaracterized the issue in the E. Wayne Hage and Jean N. Hage v. United States et al. as a water and state's rights issue. They incorrectly portrayed Attorney General Frankie Sue Del Papa as siding with the federal government against the state. (As an aside, the Center, is part of a coalition of special interests, most of whom are based in other states and countries. Among the coalition's reported participants is the American Freedom Coalition, affiliated with the Rev. Sung Yung Moon.) Hage claims in his lawsuit that the U.S. Forest Service destroyed the economic viability of his Pine Creek Ranch by violating alleged private rights on public land and is suing for over \$28 million. Hage has had access to grazing allotments totaling 762,000 acres of public land. The B.L.M. charges for grazing allotments depending on the number and type of animals. It costs \$1.92 per month for: 1 cow and her calf, or 5 sheep, or 1 bull. According to NDOW officials, it costs over twice that amount for grazing on private lands.

In addition, the complaint addresses the introduction of elk, in cooperation with the Nevada Department of Wildlife, into Hage's public grazing allotments. The complaint also alleges harm from the state hunting seasons, which coincides with Hage's cows grazing on the public lands.

Because of its grave concern for Nevada's wildlife, NDOW requested the legal services of the Attorney General's office in the Hage case, which by statute her office is required to provide (NRS 228.110(1)). The Center for the Defense of Free Enterprise challenged the Attorney General's authority to act on the matter. There is no doubt about her authority, since this case involves the habitat and wildlife of the state of Nevada on public lands, and concerns the ability of the state as sovereign to protect its wildlife resources.

The Attorney General made the decision to utilize the services of outside counsel, the National Wildlife Federation, pursuant to NRS 41.03435. This was because the state lacks the financial resources necessary to fully devote to a case of this stature. The NWF agreed not to charge attorneys' fees and has waived any costs which it may incur. NDOW retains the services of the equivalent of a half-time deputy attorney general. That person, besides performing the routine legal functions involved in running a large natural resources department, is also defending the state's authority over wildlife in a separate, high-profile federal court case. The NWF agreed to take the case, because it shares common interests in the case with NDOW -- the protection of wildlife.

The Legislative Committee on Public Lands, chaired by state Senator Dean Rhoads, will be holding a meeting on Friday, June 19, at the Legislature, to discuss, among other items, the Hage case and the state's involvement. The Attorney General is scheduled to address the committee at 4:00 p.m. in room 131.

Contrary to what Hage and the Center for the Defense of Free Enterprise claim, this is not a water issue case. It concerns the state's legal obligation to protect Nevada's wildlife and the Forest Service's charge to protect the wildlife habitat.

As the Attorney General has stated, "The bottom line is that the cows and the wildlife eat off the same plate. The protection of Nevada's wildlife is the state's purpose in the lawsuit, and as Attorney General, it is my duty to uphold the law."

Del Papa believes that if the court accepts Hage's theory of private interest in the public lands, Nevada's wildlife habitat is doomed, particularly in these times of great drought. The A.G. believes that the livestock industry can be successfully tied to public lands in a way that preserves a healthy ecosystem. Without effective livestock management on public lands, the ranchers, wildlife and the people of this country will all end up big losers.